John Eells — 1/

AMERICA's APPEAL TO The Impartial WORLD.

Wherein the RIGHTS of the *AMERICANS*, as MEN, BRITISH SUBJECTS, and as COLONISTS; the *Equity* of the *Demand*, and of the *Manner* in which it is made upon them by *Great-Britain*, are ſtated and conſidered. And,

The *Oppoſition* made by the Colonies to Acts of Parliament, their reſorting to ARMS in their *neceſſary* DEFENCE, againſt the Military Armaments, employed to enforce them, VINDICATED.

Wo! to thee that ſpoileſt when thou waſt not ſpoiled; and dealeſt treacherouſly, and they dealt not treacherouſly with thee, &c.

Iſaiah xxxiii.

My bowels, my bowels! I am pained at my heart, my heart maketh a noiſe in me; I cannot hold my peace becauſe thou haſt heard, Oh my ſoul! the ſound of the trumpet and the alarm of war.

Jer. iv.

And they anſwered the King, the man that conſumed us and deviſed againſt us, that we ſhould be deſtroyed from remaining in any of the coaſts of Iſrael, let, &c. 2 Sam. xxi.

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AMERICA's

APPEAL

TO THE

IMPARTIAL WORLD.

AT a time when we are called upon to ſurrender our liberties, our religion, and country; or defend them at the point of the ſword, againſt thoſe, that were our friends, our brethren, and allies, (whoſe ſwords, and ours, till lately were never drawn but for mutual defence; and in joint battalions, cemented in love, affinity, and valour, have wrought wonders, vanquiſhed armies, and triumphed over the power of mighty potentates) nothing will inſpire our councils with unanimity, our reſolves with firmneſs, and render the exertions, the noble ſtruggles of a brave, free and injured people, bold, rapid and irreſiſtable, like a right underſtanding of the neceſſity and rectitude of the defence, we are compelled to make, in this unnatural contention.

To

TO WRITE upon a ſubject, that hath been ſo often and ably handled---a ſubject ſo important in its nature, ſo extenſive in its conſequences, in which the fate of America, the rights and liberties of millions, nay more, of mankind, are involved; and to trace thoſe rights to their native original ſource, develope the fountain from whence derived; define their nature and immutability, and ſhew wherefore the arbitrary inſtitutions of civil government (originally ordained to connect the ſtrength of each, for the ſecurity of all) cannot deſtroy or alter them, requires a fund of abilities far beyond mine; yet, to attempt it, may ſerve to awaken and ſtimulate ſome maſterly pen, to execute a taſk ſo arduous, and beneficial to the world. And ſhould theſe imperfect conſiderations, on a ſubject ſo important, call forth the prolific fire of ſome great intuitive genius, to lighten upon the ſubject, on which I have only glimmered, and like a ſkilful phyſician, comprehending the diſeaſe and the remedy, point out the one, and preſcribe the other, or ſome mighty deliverer, while others lop here and there a ſcattered branch, with unerring aim, to give a blow at the root, my end would be anſwered, my pains compenſated, and my country reſcued from the darkneſs that invelops, and from the miſery and ſlavery that impend it. With theſe views, the following pages are humbly dedicated to the candour and patronage, of the impartial world; to whom, (under God) we make our appeal, with fervent deſires, that He, who hath the hearts of King's in his hands ſuſpends the fate of empires on his nod, and whom, even angry, conflicting elements inſtantly obey, would huſh the civil tumults, ſtill and diſpel the thundering tempeſt, that darkens and diſquiets our hemiſphere.

I SHALL

I SHALL conſider the ſubject under the following diviſions.

I. THE natural rights of the Americans, conſidered as men.

II. THE rights of Americans antecedent to any charters, or colony conſtitutions under the crown.

III. THEIR rights ſubſequent to ſuch charters, or colony conſtitutions.

IV. THE equity of the demand made on the colonies, and of the manner in which it is made.

FREE agency, or a rational exiſtence, with its powers and faculties, and freedom of enjoying and exerciſing them, is the gift of God to man. The right of the donor, and the authenticity of the donation, are both inconteſtable; hence man hath an abſolute property in, and right of dominion over himſelf, his powers and faculties; with ſelf-love to ſtimulate, and reaſon to guide him, in the free uſe and exerciſe of them, independent of, and uncontrolable by any but him, who created and gave them. And whatever is acquired by the uſe, and application of a man's faculties, is equally the property of that man, as the faculties by which the acquiſitions are made; and that which is abſolutely the property of a man, he cannot be diveſted of, but by his own voluntary act, or conſent, either expreſſed, or implied. Expreſſed, by actual gift, ſale, or exchange, by himſelf, or his lawful ſubſtitute:---implied, as where a man enters into, and takes the benefits of a government, he implicitly conſents to be ſubject to it's laws; ſo, when he tranſgreſſes the laws, there is an implied conſent to ſubmit to it's penalties.---And from this principle, all the civil* exouſiai, or rightful authorities,

* Exouſia, in the original, which is tranſlated power, ſignifies a rightful authority or moral power, and ſtands oppoſed to dunamis, a natural power or might.

thorities, that are ordained of God, and exiſt in the world, are derived as from their native ſource. From whence are authorities, dominions and powers? from God, the ſovereign ruler, as the fountain, *through the voice and conſent of the people.* For what purpoſe are they erected? *for the good of the people.* Wherefore the ſovereign ruler, condeſcends to cloath, with authority, the man who by the general voice, is exalted, from among the people, to bear rule; and to pronounce him his miniſter for their good. Hence, it is evident, that man hath the cleareſt right, by the moſt indefeaſible title, to perſonal ſecurity, liberty, and private property. And whatever is a man's own, he hath, moſt clearly, a right to enjoy and defend; to repel force by force; to recover what is injuriouſly pillaged or plundered from him, and to make reaſonable reprifals for the unjuſt vexation.* And, upon this principle, an offenſive war may ſometimes be juſtifiable, viz. when it is neceſſary for preſervation and defence.

II. I am now to conſider the rights of the Americans, antecedent to any charters or colony conſtitutions under the crown.

When our anceſtors left the kingdom of England, they were ſubjects of that kingdom, and entitled to equal privileges with the reſt of its ſubjects; when they came into America, where no civil conſtitutions were exiſting, they joined themſelves to none: the lands which they entered and poſſeſſed, they acquired by purchaſe, or by conqueſt of the natives: they

* I have not noticed the authority of parents over children, it not being to the argument, but remark, that the Creator, foreſeeing the neceſſity of civil government, ariſing from the depravity of human nature, hath wiſely formed our infancy, and childhood, feeble and dependent on the protection, and government of parents, thereby preparing us, in childhood, for dependence on, and ſubjection to civil government, in manhood.

they came over of themſelves, viz. were not colonies ſent out, to make ſettlements by government; not to mention the intolerable oppreſſions, by which they were driven out, croſſed the Atlantick, and availed themſelves of poſſeſſions, at their own riſque and expence, and by their own ſword and proweſs. Now, in America, they were ſtill ſubjects of the kingdom of England, or they were not; if the former, then they were entitled to enjoy, in America, the ſame or equal privileges, with thoſe enjoyed by the ſubjects reſiding in England---if the latter, then that kingdom had no right of juriſdiction over them, and they were in a ſtate of nature, at liberty to erect ſuch a conſtitution of civil government as they ſhould chuſe. Upon the ſuppoſition that they were ſtill ſubjects of that kingdom, let us conſider what rights and privileges they were entitled to enjoy:

1ſt. In regard to legiſlation.
2d. Taxation. And,
3d. The mode of trial.

By nature, every man (under God) is his own legiſlator, judge, and avenger, and abſolute lord of his property. In civil government, rightly conſtituted, every one retains a ſhare in the legiſlative, taxative, judicial, and the vindictive powers, by having a voice in the ſupreme legiſlature, which enacts the laws, and impoſes the taxes, and by having a right, in all caſes wherein he is injured, to reſort to, and demand redreſs, in a courſe of law, from the tribunal of the public, and the ſword of ſtate. And the Engliſh nation, early impreſſed, with theſe firſt great principles of natures dictates, erected a ſyſtem of civil government, correſpondent thereto; inveſted the parliament, which conſiſted of all the eſtates, that compoſed the nation,

nation, in epitome, with the ſupreme ſovereignty of the kingdom; and in which, each eſtate made a part, and had a ſhare, either perſonally or by actual repreſentation, to adviſe, reſolve, conſent, or diſſent, and in which, the concurrence of all three, viz. the King, Lords and Commons, was neceſſary, to every act of legiſlation. Thus the Engliſh government was conſtituted upon the foundation of reaſon; and the natural rights of the ſubjects, inſtead of being given up, or impaired, were confirmed, improved and ſtrengthened, although the mode of exerciſing them was altered: Wherefore it is a maxim in the Engliſh laws, that to an act of parliament, every man, in judgment of law is party. The Engliſh conſtitution, like other imitations of nature, was a ſyſtem of conſummate wiſdom, and policy, the balance of power, being ſo judiciouſly placed, as to connect the force, and to preſerve the rights of all; each eſtate, armed with a power of ſelf defence, againſt the encroachments of the other two, by being enabled to put a negative upon any or all of their reſolves, neither the King, Lords or Commons, could be deprived of their rights or properties but by their own conſent in parliament, and no laws could be made, or taxes impoſed, but ſuch as were neceſſary, and in the judgment of the three eſtates in parliament, for the common good, and intereſt of the realm. Moſt juſtly then did a celebrated French writer, treating of the Engliſh, and the excellence of their conſtitution, ſay, that England could never loſe its freedom, until parliament loſt its virtue. The Engliſh, animated with the ſpirit of freedom, to their immortal honor, anciently claimed theſe privileges, as their unalienable rights, and anxious to preſerve and

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tranſmit them unimpaired to poſterity; cauſed them to be reduced to writing, and in the moſt ſolemn manner to be recognized, ratified and confirmed, firſt by King John, then by his ſon Henry the IIId. in the 3d and 37th years of his reign, at Weſtminſter-Hall, where Magna Charta was read in the preſence of the Nobility and Biſhops, with lighted candles in their hands; the King, all the while laying his hand on his breaſt, at laſt, ſolemnly ſwearing faithfully and inviolably to obſerve all things therein contained, as he was a man, a chriſtian, a ſoldier and a King; then the Biſhops extinguiſhed the candles and threw them on the ground, and every one ſaid, thus let him be extinguiſhed and ſtink in hell, who violates this charter: Upon which there was univerſal feſtivity and joy, ringing of bells, &c. and again by Edward the 1ſt. in the 25th year of his reign, by the ſtatute called *Confirmatio Cartarum*. Afterwards by a multitude of corroborating acts, reckoned in all, by Lord Cook, to be thirty-two, from Edw. 1ſt. to Hen. 4th. and ſince, in a great variety of inſtances, by the bills of right and acts of ſettlement; whereby Magna Charta, that great charter of liberties, hath been eſtabliſhed as the ſtandard of right throughout the realm, and all judgments contrary thereto declared void; it was ordered to be read twice a year in all the cathedral churches, and ſentence of excommunication to be denounced againſt all, who by word or deed, acted contrary to, or infringed it.

2d. With regard to Taxation.

As the rights of private property are ſacred, and no one can be diveſted thereof without his free conſent: The Engliſh conſtitution, in this alſo religi-

ouſly follows the dictates of reaſon: No ſubject of England can be conſtrained to pay any aids or taxes, even for the defence of the realm, or the ſupport of government, but ſuch as are impoſed by his own conſent, or that of his repreſentative in parliament. By the ſtat. 25 Edw. 1ſt. c. 5 and 6, it is provided, that the King ſhall not take any aids or taxes, but by the common aſſent of the realm: And what that common aſſent is, is more fully explained, by the 34th of Edw. 1ſt. ſtat. 4, c. 1, which enacts, that no talliage or aid ſhall be taken, without aſſent of Archbiſhops, Biſhops, Earls, Barons, Knights, Burgeſſes, and other freemen of the land; and by the 14th Edw. 3. ſtat. 2. it is provided, that the Prelates, Earls, Barons, Commons, and Citizens, Burgeſſes and Merchants, ſhall not be charged to make any aid, if it be not by the common aſſent of the great men, and Commons in Parliament: And as this fundamental principle had been ſhamefully violated by ſucceeding Princes, it was made an article in the petition of right, third of King Cha. I. that no man ſhall be compelled to yield any gift, loan, or benevolence, tax, or any ſuch charge, without common conſent, by act of Parliament; and again by the 1ſt of William and Mary, ſtat. 2, it is declared, that levying money for, or to the uſe of the crown, by pretence of prerogative, without grant of parliament, or for longer time, or in other manner, then the ſame is or ſhall be granted, is illegal; and that the ſubjects do claim, demand, and inſiſt upon all and ſingular the premiſes, as their antient undoubted rights and liberties. Laſtly, theſe rights and liberties were aſſerted and confirmed, in the act of ſettlement which limited the crown, to the illuſtrious houſe of his preſent Majeſty,

ty, in the beginning of this century. Talliage from the French taille to cut, ſignifies a part cut or carved out of the whole eſtate, and in a law ſenſe includes all ſubſidies, taxes, impoſitions, and duties whatſoever, none of which might be taken without common conſent in parliament. Hence, it is the antient and unalienable right of the Houſe of Commons, to originate all money bills, they being the free donations of the people, and not the exactions of the Prince; upon the principle that civil government is conſtituted for the good of the people, and not the people for government: And there is no difference in the reaſon and nature of the thing, between the King's levying money in England without conſent of parliament, and the parliamant's levying money in America without the conſent of the Americans.

3d. In regard to the Mode of Trial.

As it is not the laws merely, that are made, conſidered in themſelves, but the conſtruction and ſenſe put upon them, by the judges and triers, that falls upon the ſubject and affects him in his perſon and property; it was neceſſary that the conſtitution ſhould guard the rights of the ſubject, in the executive as well as the legiſlative part of government: And no mode of trial would ſo effectually do this, be ſo unexceptionable, by reaſon of their equality, and the impartial manner in which they are taken and impanelled; ſo advantageous, on account of their knowledge of the parties, the credibility of the witneſſes, and what weight ought to be given to their teſtimony, as that by our peers, a jury of the vicinity: For very good and wholſome laws may be perniciouſly executed. Wherefore it is expreſly provid-

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ed and ordained, in the Great Charter, chap. 29, " That no freeman ſhall be taken or diſſeiſed of his " freehold, or liberties, or free cuſtoms, or be out- " lawed, or exiled, or any otherwiſe deſtroyed; and " we will not paſs ſentence upon him, nor condemn " him, but by lawful judgment of his peers; or by " the laws of the land." By this no freeman might be moleſted in his perſon, liberty or eſtate, but according to the laws of the land, by lawful warrant, granted by lawful authority, expreſſing the cauſe for which, the time when, and place where he is to anſwer or be impriſoned, with the terms of his enlargement; nor have ſentence paſſed upon him in any caſe, but by lawful judgment of his peers; who, in the inſtance of giving their verdict, do unanimouſly declare and announce the law, with reſpect to themſelves, in like circumſtances. It is, ſays Dr. Blackſtone, the moſt tranſcendant privilege which " any " ſubject can enjoy or wiſh for, that he cannot be " affected in his property, his liberty or perſon, but " by the unanimous conſent of twelve of his neigh- " bours and equals: And when a celebrated French " writer concludes, that becauſe Rome, Sparta, and " Carthage, loſt their liberties, therefore England " muſt in time loſe theirs, he ſhould have recollect- " ed, that Rome, Sparta, and Carthage were ſtran- " gers to trial by jury; and that it is a duty which " every man owes to his country, his friends, his " poſterity and himſelf, to maintain, to the utmoſt " of his power, this valuable conſtitution in all its " parts, to reſtore it to its antient dignity, if at all " impaired, or deviated from its firſt inſtitution, " &c. and above all, to guard with the moſt jea- " lous circumſpection, againſt the introduction of

" new

" new and arbitrary methods of trial, which, under " a variety of plauſible pretences, may in time, im- " perceptably undermine this beſt preſervative of " Engliſh liberties." Engliſh ſubjects, therefore, could be bound by no laws, be liable to no taxes, but what were made and impoſed by their own conſent; nor have any ſentence paſſed upon them but by the judgment of their equals. Glorious conſtitution! worthy to be engraved in capitals of gold, on pillars of marble; to be perpetuated through all time, a barrier, to circumſcribe and bound the reſtleſs ambition of aſpiring monarchs, and the palladium of civil liberty; eſpecially, when in addition to theſe, we conſider the Habeas Corpus act, paſſed in 31 Car. II. that ſecond Magna Charta and ſtable bulwark of the ſubjects liberties, which provides a remedy for the immediate relief of ſuch as are unjuſtly impriſoned, under colour of law. And enacts, that no ſubject of this our realm, who is an inhabitant of England, Wales, or Berwick, ſhall be ſent a priſoner to Scotland, Ireland, Jerſey, Guernſey, or places beyond the ſeas, and all ſuch impriſonments are declared illegal, the party cauſing them diſabled to bear any office, incurs the penalty of a premunire, becomes incapable of the King's pardon, and alſo is to anſwer damages to the party aggrieved. " Of " great importance, ſays the above cited author, to " the public, is the preſervation of perſonal liberty, " for if once it was left in the power of any, the " higheſt magiſtrate, to impriſon arbitrarily, whom- " ſoever he or his officers thought proper (as in " France is daily practiſed by the crown) there " would ſoon be an end to all other rights and im- " munities." How conſiſtent with theſe principles, the

preſent

preſent mode of adminiſtring government is, the impartial world may judge, by the late revenue and other acts of parliament, relative to America, directing its inhabitants to be impriſoned, and tranſported beyond ſea for trial; erecting courts of admiralty, and other arbitrary tribunals, to decide in matters moſt intereſting, without the intervention of a jury.

Theſe privileges, important and ineſtimable as they are, every ſubject of the realm of England hath right to poſſeſs and enjoy. And the Americans, antecedent to their charters, &c. if they were ſtill ſubjects of that realm, had right to have and enjoy in America. Now, if it was impoſſible for the Americans, in their ſituation, to enjoy the rights and privileges of the Engliſh government, it follows, that they were not amenable to its power, nor taxable for its ſupport; *nam qui ſentit onus, ſentire debet commodum*, he that bears the burden ought to enjoy the bleſſing, and *vice verſa*. Can any thing be more abſurd, than that a man ſhould be tied to a government, bound to yield ſubjection, and contribute ſupport, wherever he is, on the face of the earth, without having any part or voice in its adminiſtration, or power to enjoy its immunities. And that it was impoſſible for the Americans to enjoy the privileges of the Engliſh government, is evident, there being no proviſion in the conſtitution for ſummoning members to parliament from the American world; and if there was, the local diſtance, the riſk and uncertainty of croſſing the atlantic, the diſparity between the two countries, in reſpect of ſituation, numbers, age, abilities and other circumſtances, would render any repreſentation of America in the parliament of England, utterly impracticable and vain.

vain. So that our anceſtors, in America, were unable to exerciſe and enjoy that capital right of all Engliſh ſubjects, viz. the having a voice in the ſupreme legiſlature, without which, as the *cauſa ſine qua non*, the parliament of England could not bind them in any reſpect. Hence the right of ſubjectſhip, on the part of the Americans, and of juriſdiction over them by parliament, became dormant, ineffectual rights, incapable of being exerciſed; for the whole ground of the parliament's right to bind the Americans, conſiſted in their being ſubjects; and for that very reaſon, if they were ſubjects, the parliament could have no right to bind them, or exerciſe juriſdiction over them, without their conſent.

I will now enquire, whether the Americans, antecedent to their charters, &c. are to he conſidered as being ſubjects of the kingdom of England, or not.

From what hath been already ſaid, it is evident, that they either were not ſubjects of that kingdom, or as though they they were not: But this will be further illuſtrated, by conſidering, in what ſubjectſhip conſiſts: Compleat ſubjectſhip * conſiſts in being under allegiance to the King, inhabiting territories within the kingdom, in having, or at leaſt in being capable of having a voice in the ſupreme legiſlature, and enjoying, or in being able to enjoy the benefits and immunities of the government.

Allegiance, from *ligo*, to bind, is the bond that connects the ſubjects with their ſovereign, and their ſovereign with them: Hence the King is called their liege

* By this is meant one that is a ſubject of the kingdom as well as of the King.

liege Lord, and they his liege ſubjects; becauſe he is bound to protect and they to obey. And there are three kinds of allegiance, natural, acquired, and local, every one born within the realm, is by birth, inheritable to the laws, intitled to the immunities of the government, and to the protection of the King; wherefore his allegiance, like St. Pauls, is natural: Every alien friend that comes into the realm, who by the King's letters patent is made a denizen, or by act of parliament is naturalized, hath an acquired allegiance; every alien friend that comes into the realm to reſide for a time, oweth a local temporary allegiance, during his reſidence there. And the obligation to obedience in all theſe caſes, ariſes from the reaſon and fitneſs of things, and is comprehenſively expreſſed in this ſhort law maxim, *protectio trahit ſubjectionem, & ſubjectio protectionem*, protection mutually entitles to ſubjection, and ſubjection to protection. Hence it follows (as mankind by joining to ſociety do not mean, nor doth allegiance intend to confine them perpetually to dwell in one country) that when a perſon, under a natural, acquired, or local allegiance removes out of the realm to ſome diſtant climate, goes out of the protection of the King, and loſes all benefit of the laws and government of the kingdom; his allegiance, which is mutual or not at all, ceaſeth, for *ceſſante cauſa ceſſet effectus*, the cauſe or reaſon ceaſing, which in this caſe is protection and the benefits of government, the effect, viz. the obligation of obedience alſo ceaſeth. There is alſo what is called a legal allegiance, *ex proviſione legis*, that is by poſitive inſtitution, as the oath of allegiance taken by the ſubjects, wherein they ſwear to bear all true and faithful allegiance to the King; which is a coun-

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ter part to the King's coronation oath, whereby he ſwears to protect his ſubjects in all their juſt rights, to abjure popery, and maintain the proteſtant religion, to govern the kingdom and adminiſter juſtice according to the laws of the realm. Both which are only confirmations of the mutual obligations reſulting from the relation, that ſubſiſts between them as King and ſubjects, and do attend upon and follow it, in its extent and duration. I am not inſenſible that it is a doctrine of antiquity, patronized by many, that natural allegiance is univerſal and perpetual; cannot be loſt or forfeited, but by the commiſſion of crimes, &c. but notwithſtanding, I beg leave to ſuggeſt a few conſiderations on this point. The place of a man's birth, in reſpect to himſelf, is a matter of accident and neceſſity, and not of choice; and is a man ſo bound by accident and neceſſity, as to the place of his birth, that when he arrives to the age of diſcretion, he cannot remove into another kingdom and country, and become the ſubject of another prince? Doth not the obligation of ſubjection and obedience to parents, ceaſe with our childhood and ſtate of dependance, although that of reſpect and reverence ever remains? Should the King of Great-Britain voluntarily reſign his crown, or abdicate the government, remove and reſide in Italy, or enter into religion, whereby he would be civilly dead, would he, notwithſtanding, be King, *de jure & de facto*, and would the ſubjects be under obligation of allegiance to him, as their liege Lord? incapable of placing another on the throne, without incurring the crime of treaſon, or being involved in the dilemma of owing ſubjection to two rightful ſovereigns, at one time? If ſo, then he that is once King, can never be diveſted of royal

 authority,

authority, the principles of the revolution are falſe; and no new ſubjects can ever be acquired, for all are born under allegiance to ſome prince or ſtate; where, upon theſe principles, they muſt ever remain, fixed as fate; and acquired allegiance, by act of parliament in England, is all a farce.

But be this as it may, yet ſhould a number of the ſubjects of Great-Britain, under a natural allegiance to the King, by his licence remove voluntarily, or by accident be carried to ſome diſtant, uncivilized, or uninhabited country, where they ſhould find it convenient and beneficial to ſettle; would they be incapable of erecting civil government, and making laws, for the well ordering of their affairs, independent of the King and kingdom? If ſo, they would be of all men moſt miſerable, and their boaſted ſubjectſhip would be their greateſt calamity, becauſe they have the rights of Britiſh ſubjects, they are rendered incapable of enjoying the rights of men. Upon this contracted principle, no new countries could be peopled, or new empires founded; but all things muſt remain as they were. And is the world and its empires ſo fixed and concluded by an unalterable fate? Are men, who were created in the image of their maker, to contemplate the heavens and ſoar above the ſtars, whoſe firſt great law was to increaſe, multiply and repleniſh the earth, and by experiencing the boundleſs profuſion of divine goodneſs, learn to be profuſely bounteous and good, to be ſo reſtrained? Is this becoming the dignity of their rational nature, and ſuited to the ſelfiſh* & ſocial paſſions, implanted in the human ſoul? Whoſe motives are our own

* By ſelfiſh here is meant virtuous paſſions that prompt us to ſeek our own preſervation &c. as ſelf-love, &c.

own good and the good of mankind: To attempt to eradicate or alter theſe, by the arbitrary reſtraints of civil government, is to impeach the wiſdom of the Creator, for not ſuiting man's paſſions and faculties, to his ſtation here, and offering violence to human nature. Let civil government then be ſuited to man's nature and paſſions, (I mean not the depraved, ungodly deſires and cravings of tyranny, which graſps for univerſal deſpotic ſway; or of licentiouſneſs, that is ever impatient of all legal reſtraints, how ever reaſonable and righteous) for if it is not, there will be a perpetual conflict between the regulations and reſtraints of government, and the reaſonable deſires and paſſions of the ſubjects.

It may be ſaid, that the reaſon why natural allegiance is perpetual, is not merely on account of our being born, &c. but the protection and ſupport of the government, afforded us where born; this is an obligation of debt. Much, moſt undoubtedly, we owe to our parents and to the government that ſupported and protected our infantile ſtate: But is it true, that becauſe we were once dependant, we muſt ever be ſo? Becauſe we were once obliged, we can never be diſengaged from the obligation? If it is, then all mankind are inſolvents, ſervants of ſervants, the curſe of Canaan is the portion of all: And every alien born is utterly incapable of ever becoming a ſubject of the kingdom of Great-Britain.

But to return, allegiance is due to the King in his natural and political capacity; and doth not neceſſarily ſuperinduce an obligation of obedience to the power of parliament; for a perſon may be a ſubject of the King of England and not of the realm; be under allegiance to the King, yet owe no obedience

to parliament; as was the caſe of Scotland, upon the acceſſion of King James the 1ſt. to the throne of England, before the act of union; and as the caſe is at preſent with Hanover; and as was the caſe of Normandy, when William the Conqueror wore the crown of England.

THE rights of a ſubject may be ſuſpended for a time, with reſpect to the enjoyment and exerciſe of them, by ſome temporary impediment, which when removed they revive: But when the obſtacle that ſuſpends and impedes the exerciſe and enjoyment of them, is univerſal, permanent and perpetual, it is an extinguiſhment of thoſe rights. Thus much I thought neceſſary to obſerve, before I gave a relation of the cauſe and manner of our anceſtors firſt coming and ſettling in America.

NORTH-AMERICA was firſt diſcovered by Sebaſtian Cabot, in the reign of Henry the 7th, A. D. 1498, and was at that time inhabited by the Indian natives, who lived principally by hunting: In A. D. 1606 King James, by letters patent, erected two companies called the Virginia Companies, with power to make ſettlements in America. Though none were made in New-England by virtue of that authority. About the cloſe of the ſixteenth century, ſeveral attempts were made for ſettling Virginia, before any proved ſucceſsful: The three firſt companies that came all periſhed, by hunger, diſeaſes or Indian cruelty: The fourth was reduced to almoſt the ſame ſituation, when Lord Delaware came to their relief. Thus Virginia, being the firſt province that was ſettled in America, to her honour be it remembered, hath likewiſe been foremoſt in maintaining and vindicating the rights of the Americans.

IN

In A. D. 1620, England, torn with religious diſſentions, the friends of the reformation, perſecuted with unrelenting cruelty, by the intolerant ſpirit that influenced government, were forced to renounce their religion and liberties, or aſſert them with their lives. The proteſtants, to the number of one hundred and fifty, who before had fled to Holland for ſafety, having made a purchaſe under the Plymouth Company, and obtained the royal licence, quitted their native country, preferring the enjoyment of their religion and liberty, in a howling deſert, to the pomp and pleaſures of luxury and ſin in England; croſſed the Atlantic and arrived at Plymouth in America in A. D. 1620, and by their own valour, induſtry, riſk and expence (under the ſmiles of Heaven) acquired plantations, ſubdued ſavage enemies, built cities, turned the wilderneſs into fruitful fields, and rendered it vocal with the praiſes of their Saviour, and from ſmall beginnings, in proceſs of time, became great in number, and in extent of territory; Great numbers, not long after, from religious conſiderations, emigrating from England, came and ſettled the other colonies in America; for, ſays an Engliſh hiſtorian, "it ſeems that all the provinces of "North-America were planted from motives of re-"ligion." Thus was gradually unfolded the rudiments of a future empire, before in embryo.

Upon what principles then, could England have juriſdiction over the perſons and properties of thoſe brave and free adventurers who ſettled the colonies? Becauſe England was moſt powerful? This would be founding right in might, an argument too abſurd to need refutation, applied to any but the ſupreme Being; who, though almighty, yet can do no wrong.

Or

Or becauſe they were once ſubjects of that kingdom? This, if it proves any thing, proves too much, as hath been ſhown. Or was it becauſe the country was diſcovered by the King of England? Whatever rights accrue by firſt diſcovering a vacant country, accrue to the Prince, under whom it is made; and they are *jura coronæ*, rights of the crown, belonging to the King and not to the kingdom. But America, had long before been diſcovered and inhabited by numerous tribes of Indians, the original proprietors of the country; ſubjects capable of property, and who made a part of the human ſpecies, when the Almighty gave the earth to the children of men; and why black ſqualid hair, a tawny complexion, a particular manner of living, and ignorance of divine revelation, ſhould be abſolute diſqualifications, to have and hold property, any more than a black ſkin, curled head, flat noſe and bandy legs, ſhould be the infallible criterion of ſlavery, I cant deviſe.

III. *Let us conſider the Rights of the AMERICANS ſubſequent to their Charters and Colony Conſtitutions.*

As there are certain rights of men, which are unalienable even by themſelves; and others which they do not mean to alienate, when they enter into civil ſociety. And as power is naturally reſtleſs, aſpiring and inſatiable; it therefore becomes neceſſary in all civil communities (either at their firſt formation or by degrees) that certain great firſt principles be ſettled and eſtabliſhed, determining and bounding the power and prerogative of the ruler, aſcertaining and ſecuring the rights and liberties of the ſubjects, as the foundation ſtamina of the government; which in all civil ſtates is called the conſtitution, on the certainty and permanency of which, the rights of

both

both the ruler and the ſubjects depend; nor may they be altered or changed by ruler or people, but by the whole collective body, or a major part at leaſt, nor may they be touched by the legiſlator; for the moment that alters eſſentially the conſtitution, it annihilates its own exiſtence, its conſtitutional authority. Not only ſo, but on ſuppoſition the legiſlator might alter it; ſuch a ſtretch of power would be dangerous beyond conception; for could the Britiſh parliament alter the original principles of the conſtitution, the people might be deprived of their liberties and properties, and the parliament become abſolute and perpetual; and for redreſs in ſuch caſe, ſhould it ever happen, they muſt reſort to their native rights, and be juſtified in making inſurrection. For when the conſtitution is violated, they have no other remedy; but for all other wrongs and abuſes that may poſſibly happen, the conſtitution remaining inviolate, the people have a remedy thereby.

The Americans antecedent to their colony conſtitutions, muſt be conſidered either as the ſubjects of the kingdom of England, or as ſubjects of the King and not of the kingdom, or as ſubjects of neither; and their territory as belonging either to that kingdom, the King, or to neither. In which of theſe lights they ſhould be conſidered, I leave the impartial world to judge. If the firſt, then the grants and patents from the crown conveyed nothing, *nam ex nihilo nihil gignitur*, for what the King had not he could not grant, and the colonies, beſides their rights as Engliſh ſubjects, have acquired an indefeaſable title, by preſcription, to the lands they have poſſeſſed, to the privileges, immunities and exemptions they have enjoyed, and to all the powers of government, rights

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of juriſdiction, regalities, &c. which they have had and exerciſed, beyond which, the memory of man runneth not to the contrary. If the ſecond, then by the royal grants, patents, &c. all the powers of government, rights of juriſdiction, liberties and privileges, with the property of the lands in fee, are paſſed from the crown, and veſted in the colonies, abſolutely and indefeaſably, according to the tenor of their ſeveral grants and conſtitutions. If the laſt, then all theſe rights of juriſdiction, of property and liberty, were underived and ſelf-originated. If, therefore, they were to be conſidered as Engliſh ſubjects, by the conſtitution of that kingdom, they had right to enjoy all theſe privileges; if not as Engliſh ſubjects, then they were theirs without being beholden therefor. In either view, therefore, they were entitled to have and enjoy all the rights, liberties and privileges, which, by their ſeveral conſtitutions, were granted and confirmed to them, antecedent thereto. And their conſtitutions are the original compacts, containing the firſt great principles, or ſtamina of their governments; combining the members, connecting and ſubordinating them to the King as their ſupreme head and liege Lord; alſo preſcribing the forms of their ſeveral governments, determining and bounding the power of the crown over them, within proper limits, and aſcertaining and ſecuring their rights, juriſdictions and liberties; and are not to be compared to the charters of corporations in England (although they are to be deemed ſacred) which are royal favours granted to particular corporations, beyond what are enjoyed by the ſubjects in common; if they ſhould be forfeited and taken away the membes will ſtill retain the great eſſen-

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tial rights of Britiſh ſubjects, and theſe original compacts were made and entered into by the King, not only for himſelf, but expreſsly for his heirs and ſucceſſors on the one part, and the colonies, their ſucceſſors and aſſigns on the other; whereby the connection was formed, not only between the parties then in being, but between the crown and the colonies, through all ſucceſſions of each; and thoſe compacts are permanent and perpetual, as unalterable as Magna Charta, or the primary principles of the Engliſh conſtitution: nor can they be vacated or changed by the king, any more than by the colonies, nor be forfeited by one more than the other; for they are mutually obligatory on both, and are the ligaments and bonds that connect the colonies with the king of Great-Britain, and the king with them: cut, therefore, and diſſolve them, and the colonies will become immediately diſunited from the crown, and the crown from them. Should the original parties to theſe conſtitutions awake in their tombs, and come forth (on a controverſy that would awake the dead, could the dead be waked) and with united voice teſtify, that this was their original, true intent and meaning, would it not be awfully ſtriking and convincing? But we have greater evidence; we have their original declaration, made in that day, deliberately reduced to writing, and ſolemnly ratified and confirmed, which is as follows: "We do, for us, our "heirs and ſucceſſors, grant to, &c. and their ſuc- "ceſſors, by theſe preſents, that theſe our letters pa- "tent, ſhall be firm, good, and effectual in the law, "to all intents, conſtructions and purpoſes whatever, "according to our true intent and meaning herein "before declared, as ſhall be conſtrued, reputed and

" adjudged moſt favourable on the behalf, and for " the beſt benefit and behoof of the grantees, &c. " notwithſtanding any omiſſions therein, or any ſta- " tute, act, ordinance, proviſion, proclamation or " reſtriction heretofore made, had, enacted, ordained " or provided, or any other matter, cauſe or thing " whatſoever, to the contrary thereof, in any wiſe " notwithſtanding."

And the reaſons for erecting theſe conſtitutions, are recited in the preamble of ſome of them, as follows, viz. " Whereas by the ſeveral navigations, diſcove- " ries, and ſucceſsful plantations of divers of our lov- " ing ſubjects of this our realm of England, ſeveral " lands, iſlands, places, colonies and plantations have " been obtained and ſettled, &c. and thereby the " trade and commerce there, greatly increaſed, &c. " and that the ſame, or the greateſt part thereof, was " purchaſed and obtained, for great and valuable " conſiderations, and ſome other parts thereof gain- " ed by conqueſt, with much difficulty, and at the " only endeavours, expence and charge of them and " their aſſociates, and thoſe under whom they claim, " ſubdued and improved, and thereby become a " conſiderable addition of our dominions and intereſt " there. Now, KNOW YE, That in conſideration " thereof, and in regard the ſaid colony is remote " from other the Engliſh plantations in the place " aforeſaid, and to the end the affairs and buſineſs " which ſhall from time to time happen, or ariſe " concerning the ſame, may be duly ordered and " managed; we have therefore thought fit, &c."

Through this portal, majeſty itſelf, like the meridian ſun, lightens upon the ſubject, and makes plain and clear a matter, which the wits and diſputers of a venal

a venal age, would envelope in midnight obſcurity. In conſideration that theſe diſcoveries, ſettlements, &c. were obtained for great and valuable conſiderations, &c. and at their, viz. the coloniſt's only endeavours and expence of blood and treaſure, and in regard that they are remote, ſo that they cannot otherwiſe enjoy the benefits of civil government, &c. therefore, it is moſt reaſonable and neceſſary, that they ſhould have a government of their own. Theſe conſtitutions are in ſome reſpects various in different colonies; all have their aſſemblies, or parliaments, conſiſting of the governor, council, and the repreſentatives of the people; inveſted with the ſupreme power of legiſlation and taxation; though in ſome, their laws are ſubject to be negativ'd by the royal diſſent, within a limited time: in ſome, the governor and council are choſen by the people, in others, the council; and in ſome, both governor and council are appointed by the crown. All have their courts of judicature, to take cognizance of all cauſes, ariſing within their territorial limits, and the power of judging in the laſt reſort, though this right hath been infringed in ſundry inſtances, by appeals to the king and council. But how a judgment in England can be executed in America, according to the courſe of law, is to me a paradox.

Further, it is ordained and declared, "That all "and every of the ſubjects of us, our heirs, &c. "which ſhall go to inhabit in ſaid colony, and every "of their children that ſhall happen to be born "there, or on the ſea in going to or returning from "thence, ſhall have and enjoy all liberties and im-"munities of free and natural ſubjects, within any "the dominions of us, our heirs or ſucceſſors, to all "intents,

" intents, conſtructions and purpoſes whatever, as " if they and every of them were born within the " realm of England," This doth not bring the Americans within the realm of England; but it proves them to be out of it: For were it not ſo, the granting to them and to their children privileges equal to natural ſubjects, born within the realm, would have been idle and unneceſſary, being no more than they would have been entitled to without it, after ſetling the foundation principles, and enumerating a variety of capital articles in the conſtitution of their governments; to avoid prolixity and all miſtake and omiſſions in a recital of their rights and priviledges; they are in ſhort, ſummed up and declared to be ſimilar and as ample in every reſpect, as thoſe of the natural born ſubjects of the realm, to which the coloniſts are referred, to learn the full extent of their own; which demonſtrates the ſimilarity and likeneſs that ſubſiſts between the civil conſtitutions of the two countries; although ſeveral and diſtinct; and the lands are granted to be holden, not in capite, or by knight ſervice, but in free and common ſoccage, as of the manor of Eaſt-Greenwich; paying therefor a certain proportion of the gold and ſilver ore, that ſhould from time to time be found, &c. in lieu of all ſervices, duties and demands whatſoever. Thus, whether the Americans, antecedent to their conſtitutions, were ſubjects of the kingdom of England or not, they have now the cleareſt right to enjoy the liberties and privileges of Engliſh ſubjects: and to hold their lands diſcharged of all duties and demands of every kind, except as above. And nothing is plainer, than that the coloniſts cannot enjoy ſuch privileges, unleſs they have parliaments and aſſemblies

blies of their own; inveſted with the ſupreme power of legiſlation and taxation, in which they may be repreſented, and for this I have a very great and antient authority, viz. the caſe of the Virginians, determined by one of the Kings of England, near a century and a half ago, which, to uſe the words of the Engliſh hiſtorian, is as follows: "The govern-" ment of this province was not at firſt adapted to " the principles of the Engliſh conſtitution, and to " the enjoyment of that liberty, to which a ſubject " of Great-Britain thinks himſelf entitled, in every " part of the globe. It was governed by a Gover-" nor and Council appointed by the King of Great-" Britain. As the inhabitants increaſed, the incon-" veniency of this form became more grievous; and " a new branch was added to their conſtitution, by " which the people, who had formerly no conſidera-" tion, were allowed to elect their repreſentatives " from each county, with privileges reſembling thoſe " of the repreſentatives of the Commons of Eng-" land; thus two houſes, the upper and lower houſe " of aſſembly were formed; the upper houſe ap-" pointed by the crown are ſtiled honourable, and " anſwer in ſome meaſure to the houſe of peers in " the Britiſh conſtitution. The lower houſe is the " guardian of the people's liberties. And thus, with " a Governor repreſenting the King, and an upper " and lower houſe of aſſembly, this government " bears a ſtriking reſemblance to our own." Now, if the parliament hath right to bind the coloniſts in any inſtance of legiſlation and taxation, it hath in all: Wherein, then, will conſiſt the ſimilarity of the colony conſtitutions to that of Great-Britain? Where-in the power of their aſſemblies to guard the rights

of

of the people? In fine, where is the boaſted Engliſh liberties of the ſubjects? All laid in the duſt, and the colonies ſubjected to be governed and taxed by the parliament, who are, and their conſtituents both, intereſted in augmenting their taxes and burdens.

REALM ſignifies kingdom; and kingdom ſignifies the country or countries, that are ſubject to one ſovereign prince. And ſhould a ſchool boy be aſked, whether America, which is three thouſand miles diſtant, was within the kingdom of Great-Britain, both being ſubject to one prince, he muſt anſwer that it was not; but that it was within the kingdom of the King of Great-Britain and America. Nor are the following queſtions more difficult, viz. whether the Houſe of Commons, who have only a repreſentative authority, have right to bind thoſe whom they do not repreſent? Or whether, in virtue of their being the repreſentatives of the people in Great-Britain, they are the repreſentatives of the people in America? viz. whether the Britons and the Americans are identically the ſame perſons, or whether the Britons are, have, or ought to have, every thing, and the Americans nothing? If the colonies, when they were firſt conſtituted, were not ſubject to the juriſdiction of parliament, they are not become ſo, by any thing ſince: and that they were not is evident, not only from the declaration of the King in the conſtitutions, but by the royal conduct towards them from time to time, treating them as though they were not.

UPON the remonſtrance of the Virginians againſt the impoſition of duties on their trade, King Charles the ſecond iſſued a declaration under his privy ſeal, dated 19th of April, A. D. 1676, "affirming,

" ing, that taxes ought not to be laid upon the pro-
" prietors and inhabitants of the colony, but by the
" common conſent of the General Aſſembly." And when a revenue was wanted for the ſupport of civil government in Virginia, in A. D. 1679, an act was framed and ſent over to be paſſed by their Aſſembly, in theſe words, " Enacted by the King's moſt excel-
" lent Majeſty, by and with the conſent of the Ge-
" neral Aſſembly of the colony of Virginia, that a
" duty of, &c." which was accordingly paſſed into a law.

And it was declared by James the firſt and Charles firſt, when a bill was propoſed in the Houſe of Commons, and repeatedly and ſtrenuouſly urged, to give liberty to the ſubjects of England to fiſh on the coaſt of America; " that it was unneceſſary, that the co-
" lonies were without the realm and juriſdiction of
" parliament, and that the Privy Council would
" take orders in matters relating to them." And liberty of fiſhing in America, is reſerved in ſome of the charters that were afterwards made; which ſhews that without ſuch reſervation, they would not have had right to fiſh on the coaſt of the colonies. And upon complaint of piracies, &c. committed off the coaſt of Connecticut, King Charles the ſecond, in A. D. 1683-4, inſtead of cauſing an act of Parliament to be made to reſtrain and puniſh them, writes this letter to the General Aſſembly in Connecticut, which letter, is now extant in the hands of the Secretary. " Charles Rex, truſty and well-beloved,
" we greet you well: Whereas we are informed of
" great diſorders and depredations daily committed,
" to the prejudice of our allies; contrary to treaties
" between us and a good correſpondence that ought

to

" to be maintained between chriſtian princes and " ſtates; and we having already given ſtrict order in " our Iſland of Jamaica, againſt ſuch illegal pro- " ceedings, by paſſing a law for reſtraining and pu- " niſhing privateers and pirates, &c. our will and " pleaſure is, that you take care that ſuch a law (a " copy whereof is herewith ſent you) be paſſed with- " in our colony, under your government, which " you are to certify unto us by the firſt opportuni- " ty, ſo we bid you heartily farewell. Given at our " Court at New-Market, the 8th day of March, " A. D. 1683-4, in the 36th year of our reign. By " his Majeſty's command. L. Jenkins." And accordingly the bill was paſſed into a law by the General Aſſembly of Connecticut. Can it be ſuppoſed, that this bill would have been ſent to Connecticut to be paſſed into a law, if the Parliament had had juriſdiction thereof? Further, Great-Britain ſending their culprits into baniſhment in America, demonſtrates, that America is out of the juriſdiction of that kingdom, for baniſhment conſiſts in putting a ſubject out of the limits and juriſdiction of the government. It is in the memory of every one, that the King ſent his requiſitions to the colonies to raiſe men and money in the laſt war, which were readily complied with, by his moſt dutiful and loyal ſubjects, in the provinces: Whefore was this, if the Parliament hath ſupreme legiſlative and taxative juriſdiction over them? And to put this matter beyond all doubt, and to ſhew that the colonies have right, not only to enjoy, but to defend themſelves, and their liberties, againſt any and all (the parliament not excepted) that ſhould be ſo ſtupid, or vile, as to invade them; hear the ſolemn declaration and warrant of their King, in

their

their original conſtitutions: "And we do for us, "our heirs and ſucceſſors, give and grant unto, &c. "and their ſucceſſors, by theſe preſents, that it ſhall "and may be lawful to and for the chief command- "ers, governors and officers of the ſaid company for "the time being, who ſhall be reſident in the parts, "&c. hereafter mentioned, and others inhabiting "there, by their leave, admittance, &c. from time "to time, and at all times hereafter, for their ſpecial "defence and ſafety, to aſſemble, martial array, and "put in warlike poſture, the inhabitants of the ſaid "colony, and commiſſionate, impower and authoriſe "ſuch perſon or perſons as they ſhall think fit to lead "and conduct the ſaid inhabitants; and to encoun- "ter, expulſe, repel and reſiſt, by force of arms, as "well by ſea as by land; and alſo to kill, ſlay and "deſtroy, by all fitting ways, enterpriſes and means "whatſoever, all and every ſuch perſon or perſons, "as ſhall at any time hereafter, attempt or enterpriſe "the deſtruction, invaſion, detriment or annoyance "of the ſaid inhabitants or plantation; and to uſe "and exerciſe the law martial, &c. and to take or "ſurprize, by all ways and means whatſoever, all "and every ſuch perſon or perſons, with their "ſhips, armour, ammunition, and other goods of ſuch "as ſhall in ſuch hoſtile manner, invade, or attempt the "defeating of the ſaid plantation, or the hurt of the "ſaid company and inhabitants." Thus, theſe liberties and priviledges are not only granted and confirmed, but a power is expreſsly given to the colonies to defend them to the utmoſt, againſt thoſe who ſhould invade or attempt to deſtroy them. And are the Americans chargeable with treaſon and rebellion, for yielding to the irreſiſtable impulſes of ſelf-preſervation,

and acting under and in purſuance of the royal licence and authority of their king? It is certain that the colonies, in all their conſtitutions, were conſidered as being out of the juriſdiction of parliament, from the proviſions made in every one, to ſupply the want of ſuch juriſdiction, by inveſting their ſeveral aſſemblies with ſupreme power of legiſlation; and that their kings ever conſidered and treated them as being ſo, until that fatal period when George Grenville, that monſter of miniſters, came into adminiſtration; and that the colonies ſo underſtood themſelves to be.

From all which I think we may infer, with great clearneſs and certainty, that he that is king of Great-Britain, is, by the conſtitutions of the colonies, alſo king of the American colonies, bound to protect and govern them according to their ſeveral conſtitutions, and not to deſtroy them: and that the parliament hath no juriſdiction or power with reſpect to them; for the parliament conſiſts of the three eſtates, the king, lords and commons, and was conſtituted for the government of that realm; and the king ſuſtains a three-fold capacity, as king of Great-Britain, the firſt of the three eſtates in parliament, and as king of the American colonies, and according to the maxim of the Engliſh laws, *Quando duo jura concurrent in una & eadem perſona, idem eſt, ac ſi eſſent in diverſis*; when ſeveral rights or capacities meet and are veſted in one and the ſame perſon, they remain entire, and as diſtinct as though they were veſted in different perſons. This right of ſovereignty over the Americans, is derived from a different ſource from that of Great-Britain, viz. the conſtitutions of the colonies, extends to different objects, viz. the colonies, and is exercisable in a different manner, viz. according to their ſeveral conſtitutions. And what the king doth

doth as king of Great-Britain, or as one of the eſtates in parliament, he doth not as king of the colonies; for if ſo, then all the judges and officers appointed in the realm of England, would be judges and officers in America; all the laws and taxes that receive the royal aſſent in parliament, would immediately be binding upon the Americans, unleſs expreſly excepted; contrary to the united voice of all their princes, politicians and lawyers, which is, that even Ireland, which they hold as a conquered country, is not bound by acts of parliament, unleſs ſpecially named. The Lords being the noble peers of that realm, ſet in parliament in right of their eſtates and dignity, their authority cannot extend beyond the limits of the kingdom of which they are peers. The Houſe of Commons, act by a delegated authority, and can have no greater power than their conſtituents can give, and their conſtituents can give no greater than they have; and from whence, in the name of common ſenſe, have the people of Great-Britain right of dominion over the perſons, properties and liberties of the good people in America?

But ſome may object, that upon theſe principles, the colonies have an unlimited power of legiſlation, &c. within themſelves, contrary to an expreſs clauſe in their conſtitutions, which reſtrains them from making laws, &c. contrary to the laws of the realm of England.

These conſtitutions are to be conſidered, not only as the ſtipulations of the ſovereign and the particular colonies with whom they are made, but alſo of the coloniſts among themſelvs; although they are conceived wholly in the ſtyle and language of grants from the crown. And the language of the clauſe referred

ferred to in the objection, is after this manner, " and " we do further of, &c. give and grant unto the ſaid " Governor and Company, &c. that it ſhall and may " be lawful for them, &c. to erect and make all ne- " ceſſary and proper judicatories; to hear and de- " cide all matters and cauſes, &c. and to make, or- " dain and eſtabliſh all manner of wholſome and rea- " ſonable laws, ſtatutes, ordinances, directions and in- " ſtructions, not contrary to the laws of this our " realm of England."

THIS reſtraint to colony legiſlation, cannot be conſtrued to extend the juriſdiction of parliament; for if it could, it would be repugnant to the grant, & void; for parliament might make laws contrary to all the laws the colonies have or could make; in this ſenſe, it would be reſerving a power that would devour and deſtroy all the powers conſtituted and granted in the patents, &c.

NOR is it to be underſtood, that the colonies may not make laws reſpecting their own people, which are contrary to laws in England, concerning a ſimilar matter; for inſtance, in England the laws permit perſons of certain rank and eſtate to play at games; in the colonies all perſons without diſtinction are prohibited playing at games. By the laws of this our realm, then is not meant, any particular rules and regulations of law; but the grounds, principles and ſpirit of the laws and conſtitution, then exiſting in the realm of England, on which the whole ſyſtem of their laws were founded, by which dictated, and to which they were conformed. As the conſtitutions of the colonies were founded on the ſame principles with that of England, and the coloniſts entitled to like privileges with the natural ſubjects

of

of that realm, and referred to the great charter of Engliſh liberties, to learn the full extent and nature of their own: Therefore it is ſtipulated and granted, that they may make all reaſonable laws, &c. not contrary, to what? To the genius of the laws and civil conſtitution of this our realm of England; for ſuch would likewiſe be contrary to the genius of their own governments. Between which and the Engliſh conſtitution there is ſuch a ſimilarity, that you cannot thwart the principles of one, without contradicting the ſpirit of the other; and the ſword that pierces the ſides of one, penetrates the bowels of the other. This reſtriction is limited to the laws or ſyſtem of government then in being in and over that realm: and doth not extend to any civil conſtitutions that might afterwards be made; nor to any laws made, or that ſhould be made there, to extend to the colonies, out of that realm; for this would, as hath been ſhewn, be repugnant to the grant; and further, ſuch would not be the laws of that realm, but of the colonies. This clauſe therefore, inſtead of reſtraining the colonies under the power of parliament, doth demonſtrate them to be diſtinct ſtates, without and independent of the juriſdiction of parliament.

I AM not inſenſible, that by act of parliament 7 and 8 Will. III. cap. 22. it is declared, that all laws, by laws, uſuages and cuſtoms which ſhall be in practice in any of the plantations, repugnant to any law made, or to be made in England relative to the ſaid plantations, ſhall be utterly void and of none effect. And by ſtat. 6 of Geo. III. cap. 12. It is further declared, that all his Majeſties colonies and plantations in America, have been, are, and of right ought to be, ſubordinate to and dependant on the imperial

perial crown and parliament of Great-Britain, who have full power and authority to make laws and ſtatutes of ſufficient validity, to bind the colonies and people of America, ſubjects of the crown of Great-Britain, in all caſes whatſoever, with a number of other ſtatutes of the preſent reign, founded on the ſame principles and of the ſame fatal tendency. By theſe ſtatutes, the Americans are deprived of all authority, even to make a by-law; and of all their liberties and properties; by ſubjecting both to the arbitrary power and diſpoſal of parliament, in all caſes whatſoever. Let theſe ſtatutes be executed upon the Americans; and what, in the name of wonder, I aſk, what will they have left, that has even the ſhadow of power or privilege, natural, civil, or religious; that they will be able to exerciſe and enjoy? But let us examine the ground and authority of theſe acts that ſound ſuch a peal, the knell of American freedom.

It is not the parliament's declaring a thing to be ſo, that makes it ſo, nor their enjoining a thing to be done, that makes it a duty to do it. Should the parliament, in the plenitude of their power, paſs an act, that the four elements have been, are, and ought to be ſubordinate to, and dependant on the juriſdiction of parliament; and that they have full power, &c. to make laws of ſufficient validity to bind them, in all caſes whatſoever. And that there ſhould be neither rain nor ſunſhine, ſeed time nor harveſt, in all the continent of America, for three years and ſeven months; would the elements and the heavens be guilty of treaſon and rebellion, if they purſued their antient courſe: And are not the liberties of men, who are appointed lords of this lower creation, of more

importance

importance than thoſe of the elements, and are they not equally ſacred and inviolable?

THE obligation of obedience to a law, ariſes wholly from the authority of the makers, over thoſe on whom it is enjoined; ſo that if the Americans are naturally independant of the power of parliament, and by no conceſſions and civil conſtitutions of their own have ſubmitted thereto, and put themſelves under it; no acts of parliament can make them dependant. And if the parliament hath no right of dominion over the Americans; it follows that the Americans are under no obligation of obedience to its laws.

I CANNOT but remark upon the ſingular phraſeology of this declaratory act of parliament, viz. that all his Majeſty's colonies (not our colonies) have been, are, and of right ought to be ſubordinate to, and dependant on the imperial crown and parliament of Great-Britain, who have full power and authority to make laws and ſtatutes of ſufficient validity to bind the colonies and people in America, ſubjects of the crown of Great-Britain, in all caſes whatſoever. What ſtrange circumlocution of law language is uſed to expreſs what they meant to conceal! What is the amount of this declaratory act? That the parliament has full power and authority to make laws, &c. to bind the colonies and people of America in all caſes whatſoever? no, but to bind the colonies and people of America ſubjects of the crown of Great-Britain, viz. They have power to bind the ſubjects of the crown of Great Britain in America. Now if the colonies are not ſubjects of the crown of Great-Britain, viz. are not ſubjects of the King in virtue of his crown of that kingdom, then by their own declaration the parliament hath no right to bind them. And it is very evident

evident from what has been ſaid, that the King's right of ſovereignty over the colonies is not derived from, or holden in virtue of his crown, as King of Great-Britain; but from the particular ſtipulations entered into with the colonies by their ſeveral conſtitutions; otherwiſe their conſtitutions would have been idle and unneceſſary. Nor will it help the matter, ſhould we for argument's ſake, yield to them that the colonies were ſubjects of the crown of Great-Britain; then they would be entitled to the privileges of ſubjects, which is an exemption from legiſlation or taxation without their voice or conſent. So that whether the colonies are or are not ſubjects of the crown of Great-Britain, the act is altogether unfounded.

But it may be objected to the colonies claim of exemption from the juriſdiction of parliament on account of their not being repreſented; that there are many perſons of property, and large towns in England who do not vote in the election of repreſentatives to parliament, yet are bound by its laws, &c. There is no borough, city, town, or ſhire in England, nor any man of competent eſtate and a ſubject of the kingdom, but what may have a voice in the election of repreſentatives to parliament; if, therefore, ſome do wave a privilege which they might enjoy, their ſtupidity ought to be a warning, and not an example for the Americans to imitate: Nor doth it by any means follow, that becauſe ſome are bound, who might and will not ſend repreſentatives; that therefore, the parliament hath right to bind all, even thoſe who cannot, if they would, be repreſented. Beſides, every member of parliament, though choſen by one particular diſtrict, when elected and returned, ſerves

ſerves for the whole realm; and no laws or taxes are made and impoſed on ſuch, but what equally affect thoſe that make them, and their conſtituents. The caſe of the unrepreſented Americans is directly the reverſe; they cannot be repreſented, and the burthens laid on them proportionably alleviate the burthens of thoſe that impoſe them, and their conſtituents.

AGAIN, it may be objected, that ſeveral acts of parliament reſpecting America, have been acquieſced in, &c. Neither the parliament's making laws, nor the American's acquieſcing therein, can create an authority to make them on one hand, nor an obligation to obey them on the other, though they may be conſidered as ſome evidence thereof. From the firſt ſettlement of the colonies, to the concluſion of the laſt war, no taxes, or duties have been claimed, or impoſed by act of parliament in America, for the purpoſe of raiſing a revenue, unleſs the act reſpecting the poſt-office is conſidered as ſuch. The firſt act that was made to extend to America, equally extended to Aſia and Africa; and was made in the 12th of Charles II. merely for the regulation of trade; requiring all Engliſh goods to be ſhipped in Engliſh veſſels, and navigated by Engliſh mariners. The 25th of the ſame reign produced the firſt act that impoſed duties for any purpoſe in America, and the preamble declares it to be for the regulation of trade only; nor are the avails appropriated to any part of the revenue: Yet this produced an inſurrection in Virginia, agents were ſent to England on the account; and a declaration obtained from the King under his privy ſeal, dated April 19th, A. D. 1676 "That taxes ought not to "be laid upon the proprietors and inhabitants of the "colony, but by the common conſent of the Gene-

" ral Aſſembly." The other acts that reſpected the colonies, except the 7 and 8 of Will. III. antea, were for the regulation of trade only, until of late; the duties were never acquieſced in, were always murmered at, proteſted againſt, as being oppreſſive and unjuſt, and eluded as far as poſſible. And as the trade of the colonies was, of choice, principally with Great-Britain and the Britiſh Iſlands, many of thoſe acts did not much affect them in their intereſt or inclination. If ſuch an acquieſcence may be conſtrued a ſubmiſſion to acts of parliament; the nonuſer of ſuch power by parliament, for ſo long a time, may, with greater reaſon, be conſtrued a relinquiſhment thereof. For the non uſer of a power, by thoſe that are able to exerciſe ſuch power, is greater evidence againſt the exiſtence of it, than the non-reſiſtence of thouſands is for it, who are incapable of making reſiſtance.

But it will be ſaid that the poſt-office in America was by act of parliament and is for the expreſs purpoſe of raiſing a revenue.

The poſt-office is a convenient and uſeful inſtitution, and on that account, it hath been received and uſed in America, and not on account of the act of parliament; and derives all its authority, in America, from its being received and adopted there: As many of the rules of the Roman civil law, are received and adopted by univerſal conſent in England, and are obligatory upon the people, not from the authority of the Roman Emperors that ordained them, but from their own act in receiving and adopting them. Further, the act of parliament forbids all perſons to carry or tranſport any letters, &c. by land or water, on pain of ſevere penalties, except the poſt-

maſter

maſter or his deputies: And it is well known, that this part of the act was daily violated; yet no perſon was ever proſecuted: Which ſhews that the poſt-office in America was not ſuch, as the parliament had enacted; but ſuch as the univerſal conſent and practice of the people there had made it; and alſo, how little deference is paid to acts of parliament in America.

From all the caſes of pretended acquieſcence to acts of parliament, nothing can be inferred favourable to the juriſdiction of parliament, for either it was for the intereſt of the Americans to comply with them, or it was not; if the former, then they complied, not from a principle of obedience to them; but from motives of intereſt and inclination; if the latter, then they demonſtrate the incompetency of parliament to make laws for the Americans; who thro' ignorance, or ſome other principle, hath enjoined what is prejudicial. And no wiſe conſtitution would veſt a power in any body of men, who, from their ſituation and circumſtances, are and muſt be, neceſſarily incompetent for the proper exerciſe of it.

It may be objected, that all theſe charters and colony conſtitutions were made by and with the King, in his political capacity, as the ſupreme head of the kingdom; and that whatever he doth as ſuch, is in virtue of authority derived from the kingdom; and for the uſe and benefit thereof, and not with and for the King only.

These conſtitutions, are either the compacts of both the king and kingdom of Great-Britain with the colonies; entered into by the King for himſelf, and in behalf of his kingdom, or they are the compacts of the King only.

If the former, then the kingdom of Great-Britain, as well as the King, is a party to them, bound and concluded by them; and can have no greater authority over the colonies, than is therein expreſsly ſtipulated, and in no other manner than is therein provided. For if the kingdom will take the benefit of the King's acts, it muſt in thoſe reſpects, be likewiſe bound by them. And there is not the leaſt colour of legiſlative authority in the colony conſtitutions, ſtipulated or reſerved to the parliament, over the perſons or properties of the Americans, except in one or two inſtances, which are altogether ſingular, and as abſurd as ſingular, but full and compleat power of legiſlation is veſted in the General Aſſemblies of the ſeveral colonies---ſubject only in ſome, to the royal diſſent within a limited time; and to have the colony Aſſemblies, ſubject at the ſame time to the legiſlative power of Parliament, would be conſtituting an *imperium in imperio*, one ſupreme power within another, the height of political abſurdity.

But if theſe conſtitutions, are the compacts of the King, only with the colonies, then the kingdom and parliament of Great-Britain have no power over them, more than they and their Aſſemblies have over the kingdom and parliament, for they are diſtinct ſiſter ſtates, neither having any power or authority over the other. And that theſe conſtitutions, were entered into and granted by the King for himſelf only, is evident, in that no mention is made in them of the parliament, except as above, and in them the reſervation is void, being againſt Magna Charta: Or of their being made by the King, in behalf of himſelf and kingdom; and this moſt certainly the King is capable of doing; for the King conſidered in his natural capacity as a man,

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is ſubject to all the frailties of human nature, hath ſenſations of pleaſure and pain, which are his own, and may make contracts and be bound by them, although in his political capacity he is by way of eminence ſtiled perfect, &c.

In his political capacity he alſo hath certain prerogatives, royal rights and intereſts, which are his own, and not the kingdom's; and theſe he may alienate by gift or ſale, &c.

Should France offer the King of Great-Britain the crown of that kingdom, and he accept it; could not France be ſubject to the King, without being ſubject to the kingdom of Great-Britain, and ſubordinate to the power of parliament? Upon theſe principles, ſhould the King of England be elected Emperor of Germany, the Britiſh parliament, would legiſlate for the whole Germanic body. And the caſe would not be otherwiſe, with a people in a ſtate of nature, that ſhould make choice of the King of Great-Britain for their King, and he accept thereof, they would not thereby, elect the kingdom for their maſters nor be ſubjected to its parliament. Thus, whether theſe conſtitutions are conſidered as the compacts of the King and kingdom of Great Britain, or only of the King, the colonies are clearly out of the reach of the juriſdiction of parliament,---and it is evident that they were originally intended ſo to be, and all the advantages expected from them by Great-Britain, were their trade, which has far exceeded their moſt ſanguine expectations. For theſe conſtitutions were not entered into and granted by the King in virtue of his being the King of Great-Britain; the King of France or Pruſſia might have done the ſame; or any individual, the Americans ſhould have elected for their King.

King. The force and authority of theſe conſtitutions, is not derived from any antecedent right in the crown of Great-Britain to grant them; but from the mutual agreements and ſtipulations contained in them, between the crown of Great-Britain and the colonies.

FURTHER, it is objected, that the ſettlement of the crown is by act of parliament; and the colonies do acknowledge him to be their King, on whom the crown is thus ſettled, conſequently in this they do recognize the power of parliament.

THE colonies do and ever did acknowledge the power of parliament to ſettle and determine who hath right, and who ſhall wear the crown of Great-Britain; but it is by force of the conſtitutions of the colonies only, that he, who is thus crowned King of Great-Britain, becomes King of the colonies. One deſignates the King of the colonies, and the other makes him ſo.

LASTLY it is objected, that in all civil ſtates it is neceſſary, there ſhould ſome where be lodged a ſupreme power over the whole.

THE truth of this objection will not be conteſted; but its application in the preſent argument is to be conſidered. If Great-Britain and America both conſtitute but one civil ſtate, then it is neceſſary that there ſhould be one ſupreme power, lodged either in Great-Britain or America, in ſuch manner as is conſiſtent with the liberties of the ſubjects. But if they are diſtinct ſtates, then it is neceſſary, that there ſhould be a ſupreme power lodged in each. The only thing then to be done is to prove, that Great-Britain and America are diſtinct ſtates. And this point hath been already conſidered; ſo that little new can be ſaid upon it. However it may be obſerved, that

a civil ſtate, is a country or body of people that are connected and united under one and the ſame conſtitution of civil government; by this the kingdoms and ſtates in Germany and other parts of Europe are diſtinguiſhed and known. Now there is no ſuch civil conſtitution exiſting, as that of Great-Britain and America.

GREAT-BRITAIN hath its civil conſtitution; the colonies have their's; and though, the ſpirit and principles of them are ſimilar, yet the conſtitutions of the two countries are entirely diſtinct and ſeveral: The conſtitution of Great-Britain is not the conſtitution of the colonies, nor *vice verſa*. They are two countries, three thouſand miles diſtant from each other, inhabited by different people, under diſtinct conſtitutions of government, with different cuſtoms, laws and intereſts, both having one King. Now, if any can believe that Great-Britain and America are but one civil ſtate, they muſt overthrow the doctrine of identity and diverſity, confound all diſtinctions in nature, and believe that two is one and one is two. Further, they are and muſt be diſtinct ſtates from the nature of their ſituation, and in order to their enjoying the privileges of their reſpective governments. And the conſtitutions of civil government ought to be erected on the foundation of reaſon and be conformable to the nature of things; nor is it difficult to conceive of two diſtinct countries, independent of each other, each having its own civil conſtitutions, laws, parliaments, courts, commerce and intereſt, united under one ſovereign Prince. And would it be neceſſary that there ſhould be in one of theſe ſtates, a ſupreme power over the perſons and properties of the other? If it would, then it follows, that it would be neceſſa-

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ry in ſuch caſe that the ſubjects of one ſhould be ſlaves to the other, incapable of liberty or property. Are not Hanover and Saxony diſtinct ſtates, both within the empire, and ſubordinate to the imperial crown of Germany? They are. And is not this the caſe of Great-Britain and America? Two diſtinct ſtates, or countries under one ſovereign Prince, both equally his ſubjects and incapable of being ſlaves? Each inveſted with plenary powers of government, in their ſeveral countries? This is really the ſituation of the colonies; and not to admit of a ſyſtem of civil government, adapted to their ſituation, or to inſiſt on the exerciſe of ſuch powers over them, as are inconſiſtent with, and ſubverſive of their natural and conſtitutional rights and liberties, is really pointing the controverſy, not merely at the Americans, but at the great former and ruler of the univerſe, for making and ſituating them as they are. From all which it follows that the colonies are diſtinct ſtates from that of Great-Britain; have and ought to have a ſupreme power of government lodged in them.

THUS, the queſtion is reduced to a ſingle point, either the parliament hath no ſuch power over the perſons and properties of the Americans as is claimed, or the Americans are all ſlaves Slavery conſiſts in being wholly under the power and controul of another, as to our actions and properties: And he that hath authority to reſtrain and controul my conduct in any inſtance, without my conſent, hath in all. And he that hath right to take one penny of my property, without my conſent, hath right to take all. For, deprive us of this barrier of our liberties and properties, our own conſent; and there remains no ſecurity againſt tyranny and abſolute deſpotiſm on one hand, and total abject

ject, miſerable ſlavery on the other. For power is entire and indiviſible; and property is ſingle and pointed as an atom. All is our's, and nothing can be taken from us, but by our conſent; or nothing is our's, and all may be taken, without our conſent. The right of dominion over the perſons and properties of others, is not natural, but derived; and there are but two ſources from whence it can be derived; from the almighty, who is the abſolute proprietor of all, and from our own free conſent. Why then wrangle we ſo long about a queſtion ſo ſhort and eaſy of deciſion, ? Why this mighty din of war, and garments roll'd in blood; the ſeas covered with fleets, the land with armies, and the nation ruſhing on ſwift deſtruction ? Let the parliament ſhew their warrant, the diploma and patent of their power to rule over America, derived from either of the above fountains, and we will not contend; but if they cannot, wherefore do they contend with us ? For even a culprit has right to challenge of the executioner, the warrant of his power, or refuſe ſubmiſſion.

The queſtion is not whether the king is to be obeyed or not; for the Americans, have ever recognized his authority as their rightful ſovereign, and liege lord; have ever been ready, with their lives and fortunes, to ſupport his crown and government, according to the conſtitutions of the nation; and now call upon him as their liege lord (whom he is bound to protect) for protection, on pain of their allegiance, againſt the army, levied by the Britiſh parliament, againſt his loyal and dutiful ſubjects in America.

Nor is the queſtion Whether the Americans would be independent or not, unleſs the ſtate they have ever enjoyed hath been ſuch; for they ever have acknow-

ledged themſelves to be ſubjects of the king, ſubordinate to, and dependent on the crown, but not on the parliament of Great-Britain, unleſs any ſhould think there is no medium between ſubmiſſion to parliament, and perfect independance.---But the queſtion is, Whether the parliament of Great-Britain hath power over the perſons and properties of the Americans, to bind the one, and diſpoſe of the other at their pleaſure? Hear the language of parliament in their acts diſpoſing of the property of the Americans: "*We, your "Majeſty's dutiful ſubjects, the Commons of Great-Bri-"tain, in parliament aſſembled, have therefore reſolved "to give and grant unto your Majeſty, the ſeveral rates "and duties hereinafter mentioned, &c. in America.*"--- Here the Commons in England are pluming themſelves on their great liberality to their ſovereign, with the property of the Americans, as though it was all their own. If the parliament have no ſuch power as is claimed, their invading our rights, and in them the rights of the conſtitution, under pretence of authority; beſieging and deſolating our ſea ports, employing dirty tools, whoſe ſordid ſouls, like vermin, delight to riot on filth; to practice every artifice to ſeduce, that they may the eaſier deſtroy; with money tempting, with arms terrifying the inhabitants, to induce and compel a ſervile ſubmiſſion; is treaſon againſt the kingdom, of the deepeſt die, and blackeſt complexion: whereby the conſtitution, that firm foundation of the nation's peace, and pillar of government that ſupports the throne, is ſhaken to its very baſis; the kingdom rent, and devided againſt itſelf; and thoſe ſons of thunder that ſhould be the protectors of its rights, are become its deſtroyers. Nor will American freedom fall alone; Great-Britain's

tain's ſhakes, totters, and muſt tumble likewiſe, nor long ſurvive the cataſtrophe: And the Americans reſiſting the meaſures, and defending againſt the force uſed to accompliſh theſe dreadful events, and precipitate the nation into total, irreparable ruin and deſtruction, are deeds of the greateſt loyalty to their king, and the conſtitution that ſupports him on the throne, and of fidelity to his government. For ſubjects to levy war againſt their king, is treaſon, but the king's levying war againſt his ſubjects, is a crime of royal magnitude, and wants a name. Should the king of France join with the enemies of his kingdom, and levy war againſt his ſubjects, would he notwithſtanding, retain his royal authority over them, and they be incapable of defence againſt ſuch an unnatural attack, without incurring the crime of treaſon and rebellion? If ſo, wo! to the inhabitants of kingdoms, for, by reaſon of their kings, the earth would be made deſolate.

Let none be diſmayed at the ſtrength and power of our oppreſſors; nor at the horrors of war into which we are compelled, for the neceſſary defence of our rights. Can we expect the laurels, without entering the liſt? To be crowned without being tried? The faireſt fruits are always moſt obnoxious to the birds of prey: Engliſh liberties, the boaſt and glory of the nation, the admiration of its friends, and envy of its foes; were obtained, ſword in hand, from king John, by his free and ſpirited barons; and what rivers of blood have been ſhed, to maintain and defend them, againſt the encroachments of ſucceeding kings, to the time of the glorious revolution, is well known to all, acquainted with the Engliſh hiſtory. Such is the ſtate of the world, that the way to freedom

dom and glory, is a way of danger and conflict. The road to Canaan was through the deſert and the deep; and the grave is the ſubterranean path to celeſtial bliſs. And let it not be forgotten that thoſe of Iſrael whoſe hearts failed them through fear of being deſtroyed by their enemies, and diſcouraged their brethren, were deſtroyed of their maker. Nor ought any to think, by joining themſelves to the enemies of their country, they ſhall eſcape, however fair the promiſes, or great the reward; and though they ſhould not meet with their deſerts, from the hands of their injured countrymen: for the miniſter, wants your aſſiſtance to deſtroy your fellows, only, that yourſelves may be the eaſier deſtroyed; and when you have done his drudgery, you will become his prey. *Divide & impera, divide & diſtrue, divide & command, divide and deſtroy*, are maxims of deep policy, fabricated in a very old cabinet.

IV. I ſhall now proceed in the laſt place to conſider this queſtion in another light, viz. the equity of the demand made upon the colonies, and of the manner in which it is made. The ill policy of ſuch meaſures, having in a moſt inimitable manner, been conſidered and expoſed by thoſe illuſtrious patriots, the Earl of Chatham, Burke, Barre, the Biſhop of Aſaph, &c. (whoſe names and memories no diſtance of place or time, will be able to obliterate from the grateful minds of the Americans) with ſuch dignity of ſentiment, energy and perſpecuity of reaſon, ſuch rectitude of intention, uncorruptneſs and candor of diſpoſition, and with ſuch force of elocution, as muſt have rendered them irreſiſtable, only by the omnipotence of parliament.

GREAT-BRITAIN can have no demands upon the old

old colonies, except for aſſiſtance afforded them againſt their enemies in war, and protection to their trade at ſea; for the lands were neither acquired or ſettled at the expence of the crown. New York, indeed, was obtained by conqueſt from the Dutch, without much riſk or loſs; and was afterwards in the treaty at Breda, A. D. 1667, confirmed to the Engliſh in exchange for Surinam. Nor have thoſe colonies ſince, been any expence to the crown, either for ſupport of their governments, or inhabitants: And the Americans have had no enemies but what were equally the enemies of Great-Britain; nor been engaged in any wars, but what the nation was equally engaged in, except the wars with the Indians; which they carried on and maintained themſelves. It will be neceſſary to ſtate the advantages the Americans have been to Great-Britain, as well as thoſe they have derived from thence, by aſſiſtance afforded in the wars, and by comparing, ſtrike the ballance.

FROM the firſt ſettlement of the colonies, they have been almoſt continually engaged in a bloody and expenſive, tho' ſucceſsful war with the French and Indians, on their frontiers, until the reduction of Canada; whereby their ſettlements were extended; and by a rapid population, the number of inhabitants have been greatly encreaſed; and the trade to England proportionably augmented. In A. D. 1690, Sir William Phips raiſed an army in New-England, took Port Royal, or Annapolis, in Nova-Scotia, from the French; and reduced another ſettlement of conſiderable conſequence, at the mouth of the river St. John's, on the Bay of Fundy, both which, king William ceded to the French at the peace of Riſwick, A.D. 1697; and received an equivalent for them. In A. D. 1703, the

the beginning of Queen Ann's war, Annapolis was retaken, by the New-England people. Afterwards Sir William Phips, with the New-England People, attempted the reduction of Canada, and was obliged to return, not by the arms of the enemy, but by the ſeverity of the ſeaſon coming on earlier than uſual: However, he built a fort on the mouth of Pemaquid on the frontiers of the country, which reduced all the Indians, North Weſt of Merimac river, under the crown of England. By theſe ſucceſſes, Great-Britain was induced to engage in an expedition againſt Quebec. In A. D. 1711, Admiral Walker was ſent to Boſton, with a fleet, and ſome land forces; New-England furniſhed their quota of troops for the expedition; but by reaſon of the great fogs, and ſome miſtake of the pilot's, part of the fleet was ſtove upon the rocks; eight hundred of the men loſt, and the expedition rendered abortive. Annapolis, and all Nova-Scotia was confirmed to Great-Britain, at the peace of Utrecht, A. D. 1713; whereby all that country, its valuable fiſheries, and trade, were added to the crown of Great-Britain. Not to mention the ineffectual, but coſtly expedition, formed by the New-England people againſt Canada, in A.D. 1740; and that againſt the Iſland of Cuba, at another time. On the 16th of June, A.D. 1745, the important fortreſs of Louiſbourgh ſurrendered to Commodore Warren, and Mr. Pepperel; reduced by a long and perilous ſiege of forty-nine days (through the ſmiles of heaven) by the valour and intrepidity of American troops, aſſiſted by Commodore Warren, with a ſmall ſquadron in the harbour; by which, the command of the Newfoundland fiſhery, the gulph of St. Lawrence, the only paſs by ſea to Quebec, the capital of the

the capital of the French ſettlements in America, fell into the hands of the Engliſh, and which afterwards purchaſed the peace of Europe, and procured to the crown of England, in the peace of Aix Chappelle, ſundry important places that had been taken. Thus, the Americans laboured, fought and toiled; and the Britons reaped the advantage. The noble exertions of the Americans, and the part they took in the laſt war; their laudable emulation to be foremoſt, in complying with the requiſitions of their ſovereign; their troops contending for ſtations of danger, as poſts of diſtinction; eſteeming their lives and their properties, an inconſiderable ſacrifice, for the glory of their king, and the renown of his arms; and the large levies of men and money made by them, are freſh in every one's memory. The amazing advantages derived from the war in America, to the crown and kingdom of Great-Britain, is alſo well known. The whole eaſtern and northern country, the New-found-land fiſhery, trade, and navigation, a ſource of boundleſs wealth; the iſland of Cape-Breton, the extenſive country of Canada and Louiſiana, from the arctic pole, to the tropic of Cancer, with their train of fortreſſes, lakes, &c. the peltry and furr trade of that whole country, with the almoſt inexhauſtable treaſures of the Havanna; a harveſt in which the Americans, with the Britons, bore the heat and burthen of the day; yet the Americans ſhared little or none of the fruit, except being delivered from troubleſome neighbours, on their frontiers, and ſome individuals drawing a ſhare in the plunder, at the Havanna. And what a mighty acceſſion of weight and importance was this, to the crown of Great-Britain, in the ſcale of power, among the European ſtates and princes! But why need I dwell upon theſe? At the concluſion

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of the laſt war, juſtice ſwayed the ſceptre; and a a righteous miniſter had the royal ear; the Americans were conſidered as creditors to the nation; and thouſands of pounds were ſent over to reimburſe them. But Oh! the ſad reverſe of times, miniſters and of meaſures!

In the next place, let me enquire, in reſpect to the protection afforded our trade at ſea. Our trade, from inclination and choice, hath been principally with Great-Britain and the Britiſh iſles, and like the trade in all caſes, carried on between an infant country, in want of all kinds of manufactures, and an old, wealthy, manufacturing kingdom. Our's was of neceſſity and for conſumption; their's for profit and advantage. They purchaſed of us our raw materials, and ſold to us their wrought manufactures; both at their own price, and at their own ports. In this view of the matter, muſt it not be ſuppoſed, that the advantages of this trade to that kingdom, amply paid for its protection; and their motives to protect it were thier own emolument and profit? But this will be more fully illuſtrated, when we conſider, that the amount of the trade between Great-Britain, and the colonies, at a medium for three years, before it was interrupted by theſe unhappy diſputes, is computed at about three millions, three hundred and eighty-five thouſand pounds per annum: From which deduct a certain proportion, for raw materials, that are imported into England, which is comparatively inconſiderable; the remainder is a clear profit and gain to Great-Britain; and is divided between the public exchequer, and private coffers---for the whole coſt of the raw materials, the duties on the importation of them, the manufacturer's labour, his living and his family's, his taxes upon his houſe, windows, ſalt, ſoap, candles,

coal,

coal, &c. &c. &c. upon his eatables, his drinkables, and cloathing; thoſe of his family, his apprentices and journeymen; and not only ſo, but alſo the taxes his ſhoemaker, weaver, and taylor paid, when working for him; the merchants profits, the charges of bailage, truckage, freight, inſurance; and the duties upon the articles themſelves, all go in to make up the price, and are paid by the American conſumer. In this view of the matter, I believe I am within bounds to ſuppoſe, that the direct trade, (leaving out of the queſtion the cercuitous trade by way of the Weſt-Indies and other parts) neats a profit of three millions to Great-Britain: And near one half of that ſum, is made up of taxes and duties, which are paid in England; whereby the public revenue is ſo much increaſed & eventually is actually paid by the Americans.

CAN any ſuppoſe, that this is not an ample compenſation, for all the protection afforded our trade at ſea? What nation in Europe would not rejoice to receive our trade on theſe terms, and give us thouſands for its purchaſe? But, upon ſuppoſition it is not ſufficient, and that the colonies are indebted to them; ought they not to ſtate the account, that the balance might be ſeen; and to make a demand of payment? And not without doing either, thruſt their hands into our pockets; and rend from thence, not only what we owe them, but what they pleaſe: Not only what we ought to pay, but our whole property; nor that only, but our liberties too. And if aſked wherefore this? the anſwer is, that the nation is indebt, and that we owe them. If we owe them, let them make it appear, and the colonies will pay them; that the nation is in debt, needs no proof; but for what? For expence in war, and for charges of government in time of peace? Could theſe have accumulated---the enormous ſum of 145,000000, the national debt in A. D. 1766? Bribery and corruption, luxury and exorbitant penſions multiplied, might.

But it is time to close these enquiries; and what may we not expect, from what is threatened and already done, that is in the power of parliament to do?

Is not the King of Great-Britain, the visible head of the christian church in England? and by the Quebec bill, is he not, as amply constituted the head of the romish church in Canada? Have not the Americans, by the constitution of nature, as men, by the constitution of England, as Englishmen, and by the constitutions in America, as colonists; a right of exemption from all laws, that are made, and taxes that are imposed, without their voice and consent? And from other mode of trial, than by their peers of the vicinity?

And by the late acts of parliament, are not taxes and duties imposed, and laws enacted to bind them, not only without, but in which, they neither had nor could have any voice? And is not the whole government, of that ancient province of the Massachusetts, demolished at a blow, by an engine of tyranny, without being summoned, heard or tried? Are not strange and unusual methods for imprisonment, transportation and trial, introduced? Arbitrary tribunals erected, to decide in matters most interesting, without the intervention of a jury? In a word, are not all our rights and liberties, natural, religious and civil, made a mark for their arrows, and threatened to be laid in the dust? And to compleat our ruin, are not our harbours blocked up? our coasts lined with fleets? our country filled with armed troops? our towns sacked? inhabitants plundered? friends slaughtered? our pleasant places desolated with fire and sword? all announced rebels? our estates declared forfeit; and our blood eagerly panted for? When I think of Boston, that unhappy capital; what she once was, and the miserable captive state, to which she is now reduced, I am almost ready to adopt the plaintive strains of captive Israel concerning her: "By the rivers of Ba-

"bylon

" bylon there we ſet down, yea, we wept when we re-
" membered Zion; we hanged our harps upon the wil-
" lows, in the midſt thereof, for there they that carried
" us captive and waſted us, required of us a ſong and
" mirth, ſaying, ſing us one of the ſongs of Zion. How
" ſhall we ſing the Lord's ſong in a ſtrange land? if I
" forget thee Oh Jeruſalem! let my right hand forget
" her cunning, if I do not remember thee, let my tongue
" cleave to the roof of my mouth; if I prefer not Je-
" ruſalem, above my chief joy. Remember O Lord!
" the children of Edom, in the day of Jeruſalem, who
" ſaid raſe it, raſe it, even to the foundation thereof."

What ſhall we ſay, is there any force in ſacred compacts and national conſtitutions? any honour in crowned heads? any faith to be put in miniſters, the nobles and great men of the nation? In a word, is there any ſuch thing as truth and juſtice? Is there not a power above us? and that there is all nature declares; the vindicator of right and avenger of wrong. To him therefore we make our laſt appeal; and to the impartial world, to judge between Great-Britain and America.

These unheard of intolerable calamities, ſpring not of the duſt, come not cauſeleſs, nor will they end fruitleſs. They call on the Americans for repentance towards their maker, and vengeance on their adverſaries. And can it be a crime to reſiſt? Is it not a duty we owe to our maker, to our country, to ourſelves and to poſterity? Does not the principle of ſelf-preſervation, which is implanted by the author of nature in the human breaſt, (to operate inſtantaneous as the lightning, reſiſtleſs as the ſhafts of war, to ward of impending danger) urge us to the conflict; add wings to our feet, firmneſs and unanimity to our hearts, impenatrability to our battalions, and under the influence of its mighty author, will it not render ſucceſsful and glorious American arms? But it may be ſaid that the Americans have deſtroyed the

tea

tea of the Eaſt-India company, at Boſton, which was a violation of private property, & ought to be paid for. That tea was ſent on the ſame errand that Gage and his troops are; to effect by artifice what they are now attempting by force. I mention not Thomas Hutchinſon, for his crimes here, and condign puniſhment hereafter, without repentance, muſt exceed all conception or deſcription. Should the Britiſh parliament cauſe cargoes of wine, impregnated with poiſon, to be ſent to America, with orders to have them diſperſed amongſt the inhabitants: and their ſervants, the miſcreants of their power, ſhould obſtinately inſiſt on doing it, the Americans muſt deſtroy the wines, which, by their baneful mixture would be juſtly obnoxious to deſtruction, or be deſtroyed by their poiſon.

My countrymen, we have every thing to fear, from the malignity, power and cunning of our adverſaries. Yet, from the juſtneſs of our cauſe, the greatneſs of our numbers and reſources, the unanimity of our hearts, cemented by intereſt and by perils; the bravery, and what's more, the deſperateneſs of our ſpirits; who think not life worth ſaving, when all that is dear in life is gone, we have reaſon to be afraid of nothing. For your animation, hear the advice and lamentation of a French gentleman, Monſieur Mezeray, over the loſt liberties of his country, to an Engliſh ſubject: "We had once in "France, the ſame happineſs and the ſame privileges, "which you now have. Our laws were made by re"preſentatives of our own chooſing; therefore our mo"ney was not taken from us, but granted by us. Our "Kings, were then ſubject to the rules of law and rea"ſon. Now alas! we are miſerable and all is loſt "Think nothing Sir, too dear to maintain theſe preci"cious advantages, if ever there ſhould be occaſion; "venture your life and eſtate, rather than baſely ſub"mit to that abject condition to which you ſee us re"duced."

And

And for your encouragement, turn your eyes to the free ſtates of Holland and Switzerland; and in them, as in a glaſs, ſee America ſtrugglig under intolerable oppreſſions; and with an intrepid, unconquerable ſpirit, overlooking all danger, burſting the bonds, and demoliſhing the engines of tyranny, emerging from a ſea of calamities, riſing ſuperior to every obſtacle; and overlooking in time the power and towering heights of their haughty oppreſſors.

Since then we are compelled to take up the ſword, in the neceſſary defence or our country, our liberties and properties, ourſelves and poſterity: Let us gird on the harneſs, having our boſoms mailed, with firm defiance of every danger; and with fixed determined purpoſe, to part with our liberty only with our lives, engage in the conflict; and nobly play the man for our country, the cities and churches of him that tranſplanted and hitherto ſuſtained them; thereby prove the truth of our deſcent, and demonſtrate to the world, that the free irrepreſſable ſpirit, that inſpired the breaſts and animated the conduct of our brave fore-fathers; is not degenerated in us, their offspring. With fair pretences, they invite us to ſubmit our necks to their yoke; but with unheard of cruelties and oppreſſions, they determine us, to prefer death to ſubmiſſion Let none be diſheartened from a proſpect of the expence; though it ſhould be to the half, or even the whole of our eſtates. Compared with the prize at ſtake, our liberty, the liberty of our country, of mankind, and of millions yet unborn, it would be lighter than the duſt on the balance: For if we ſubmit, adieu for ever; adieu to property, for liberty will be loſt, our only capacity of acquiring and holding property.

And what ſhall I ſay, of the officers and ſoldiers of the Britiſh army, who are the appointed miniſters of this vengeance on the Americans? againſt whom are they come forth, in hoſtile array? Strangers and foes to them

them and their nation? No, it is againſt their brethren, their fellows and companions, of their fleſh and of their bone; members of the ſame nation; ſubjects of the ſame King; and entitled to the ſame or equal privileges; with kindred blood in their veins, and a pulſe beating high for Engliſh liberties. And can their hearts be courageous, and their hands ſtrong, when they level the ſhaft, or lift up the ſpear againſt thoſe, with whom of late, ſide by ſide and ſhoulder to ſhoulder, in compacted battalions, they fought, bled, and conquered, in defence of the country, and the liberries, they are now ſent to lay waſte and deſtroy. I appeal to their ſenſe of honour, their ſentiments of juſtice, to their bowels of humanity, thoſe tender feelings of ſympathy, theſe ſocial paſſions, that poſſeſs and warm the human heart, and are the ſpring of all ſocial and public virtues, and let their tongues utter the ſentiments of their ſouls, and America will be juſtified, they being the judges.

Methinks I hear the King, retired with his hand upon his breaſt, in penſive ſolliloquy, ſaying to himſelf, who, and what am I? A King, that wears the crown, and ſways the ſcepter of Great-Britain and America; and though a King, robed in royalty, yet I am a man, my power finite, my body mortal, and myſelf accountable to him, who raiſed me to this dignity, that I might be his miniſter for the people's good. But Oh! what tragic ſcenes do I behold? One part of my dominions aiming deſtruction againſt the other, plunging their ſwords in the boſoms, and imbruing their hands in the blood of their fellows and brethren. Is it poſſible, that Britons ſhould become the foes and aſſaſſins of Britons, or their deſcendants? My throne totters, my loins tremble, my kingdom is divided and torn, my heart ready to fail, for the glory of my reign is departing. What can be the cauſe of theſe tremenduous convulſions, that threaten the diſſolution of my kingdom?. Do my ſubjects

jects in America, refuſe to reſign their liberties and properties, to the diſpoſal of my ſubjects in Great-Britain? And inſiſt on holding and enjoying them as their unalienable rights? Well, what will be the mighty injury to my crown, or to the nation, in its wealth, ſtrength, or honour, if America ſhould enjoy its former freedom? What will be gained by reducing them to ſubmiſſion and ſlavery? lifeleſs carcaſes, a deſolated country, millions in wealth, and millions in ſtrength daſhed at a blow. Mighty acquiſition of loſs. Should the attempt be purſued and fail, America will be loſt, nay more, ſhe will become Great-Britain's determined enemy. Have not my ſubjects in Great-Britain rights that are ſacred and inviolable, and which they would not reſign but with their lives? They have. Have not my ſubjects in America rights equally ſacred, and of which they are and ought to be equally tenacious? They have. And are not thoſe rights, for which they now ſo earneſtly contend, of that kind? Certainly there is much in favour of their claim. What if they are miſtaken? Ought they to atone for their miſtake by rivers of blood, and the ſacrifice of themſelves, their country and their poſterity? but what, my mind ſhudders and recoils at the thought, what, if the Americans are right? Oh heaven forgive! And all this ghaſtly ruin, is owing to the blunder of a miniſter, and the fatal errors adopted by parliament. Of whom will theſe rivers of blood be required? What can expiate ſuch accumulated wrongs? and atone for ſuch amazing devaſtations? I am ſorely diſtreſſed, civil war rages within, foreign enemies threaten without, the commerce of my kingdom languiſheth, manufacturers famiſh and fail, and diſcontentment is almoſt univerſal. What ſhall I do for the dignity of my crown, the peace of my dominions, and the ſafety of the nation? All is at riſk. I have been deceived by my informers, miſguided by my miniſters, and by my

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own inattention to the ſufferings, and dutiful petitions of my ſubjects, reduced all to the moſt dreadful hazard. For Britiſh troops ceaſe to be glorious, in ſo inglorious a cauſe. Should their ſea-ports, from Georgia to Nova-Scotia, be deſolated with fire and ſword, it would only conſolidate their union, and render more impregnable their reſiſtance in the interior country. Could we dry up their harbours, and bar every out-let to the ſea, unleſs we had power to reſtrain the ſhowers and the ſhines of heaven; and the fertility of the earth, they will poſſeſs inexhauſtable reſources. America muſt and will be free, their anceſtors acquired it for them, my royal predeceſſors guaranteed it to them; it is theirs by purchaſe, it is theirs by the plighted faith of Kings; they are deſerving of it; and with them it flouriſheth, like a plant of generous kind, in its native ſoil, and the heavens are propitious to liberty. My legions muſt be recalled, the ſword muſt be ſheathed, the olive branch, the ſymbol of peace be held out; for it was never deſigned that Britons, invinſible by others, ſhould contend with Britons or their deſcendants, in battle; and royal munificence be exerted, to alleviate the diſtreſſes, conſole the miſeries, and repair the injuries, cauſed by the unhappy error, which let eternal darkneſs veil. Oh! may the future make reparation for the paſt, my crown flouriſh in the proſperity, liberty, and the happineſs of all my dominions. Thus will my reign become glorious, my demiſe tranquil. But alas! where am I tranſported on the wings of groundleſs fancy? Repentance I fear is too late, for crimes ſo enormous; the injuries are irreparable, and America is irretrievably loſt: the thunders I prepared, to lay her breathleſs at my feet, have diſcharged her of her allegiance, and driven her forever from my power.

APPENDIX.

THE preceeding pamphlet was wrote ſome time paſt, and not publiſhed ſooner for want of paper: The author hath ſubjoined an appendix, containing ſome thoughts on government, and American independance.

To conſider things rightly, is to conſider them truly as they are, with all their relations and attending circumſtances; to inveſtigate truth, is the higheſt atchievement of reaſon; and to follow nature, the perfection of art. That which is conformable to axioms of immutable truth, founded in reaſon, and productive of general ſecurity and happineſs to mankind, muſt in every ſenſe, be denominated good.

CIVIL ſociety, is allowed by all to be the greateſt temperal bleſſing; and civil government is abſolutely neceſſary to its ſubſiſtence; it is a temporary remedy, againſt the ill effects of general depravity; and becauſe the introduction of moral evil has made it neceſſary; it is not therefore a neceſſary evil.

LIBERTY conſiſts in a power of acting under the guidance and controul of reaſon: Licentiouſneſs in acting under the influence of ſenſual paſſions, contrary to the dictates of reaſon; whilſt we contend for the former, we ought to bear teſtimony againſt the latter: And whilſt we point out arguments againſt the errors and abuſes of government, we ought cautiouſly to diſtinguiſh between government and its abuſes; to amputate the latter, without injuring the former, and not indifferently charge both; leſt we raiſe an army of rebel ſpirits more dangerous and difficult to reduce, than all the legions of Britain.

GOVERNMENT originates (under God) from the people, as from its native ſource; centers in them, their good is its ultimate object; and operates by ſecuring to them, the enjoyment of their natural rights and civil privileges; and as the mode of doing this, hath no preſcribed form in nature, or revelation; mankind, at their option, have endeavoured it variouſly; and thereby given riſe to the

various forms of government ſubſiſting in the world, as monarchy, ariſtocracy, democracy, &c. each of theſe have failed in their turns, through want of integrity, or diſcernment, or both in the adminiſtration; and have been alternately preferred or diſcarded by writers, not ſo much on account of their own excellence or defects, as of thoſe who adminiſtered them. That form of government that is adapted to the genius and circumſtances of the governed, affords them the greateſt ſecurity, and places the authority of the governing moſt out of the reach of the former, to violate and contemn, their corruptions and abuſes moſt within, to prevent and redreſs, is the beſt. A perfect model of civil government perfectly adminiſtered and obeyed, cannot be expected, but in a ſtate of perfection, where it would be perfectly unneceſſary. That government in ordinary is the beſt that is beſt adminiſtered.

Some begin their government with their political exiſtence; it grows up with them; the great firſt principles thereof, are never altered while they continue a people, & become ſo incorporated with their being, that they have the force of natural, rather than political inſtitutions. Others, after a century or two have occaſion to alter and new model their old governments, or frame new ones: This is uſually attended with much difficulty and great danger, requires an extenſive knowledge of the genius, tempers, circumſtances, ſituation, ancient cuſtoms, habits, laws and manners of the people; and great judgment and ſkill, to adapt new regulations to old uſuages, ſo as to form a happy coalition. The Britiſh nation, at the time of forming their great charter (no matter how they became ſo) conſiſted of a King, nobility and commons: To connect the ſtrength and wiſdom of theſe, for the public weal, without infringing or endangering the rights of either, was their great object: And this was done in the conſtitution of parliament, ſo far as it concerned legiſlation and taxation. Its object therefore,

therefore, was directly, political and civil liberty. All offices were in the gift of the crown; and the payment of them in the option of the people; The powers of government were ſo balanced, as to render all mutual reſtraints upon, and mutually reſtrained by each other. If the people have loſt their liberties, ſuffered themſelves to be bought and ſold, like beaſts of burden, the fault is theirs and their corrupters,and not the conſtitution's, which put in their power to have preſerved them.

THUS, the principles were excellent, altho' the practice hath been moſt perverſe. Amongſt all the forms of civil government, none can be pronounced abſolutely beſt, and only relatively ſo: For that which beſt ſuits one people would badly ſuit another, or the ſame, at a different period.

THE ſtrength and ſpring of every free government, is the virtue of the people; virtue grows on knowledge, and knowledge on education. Moſt nations have eſtabliſhed a falſhood for their firſt principle, viz. that their Kings are perfect; and the conſequence of this, is a ſecond, that gives them a licence to ſerve the devil with impunity, viz. that they can do no wrong: Then follows the moſt impious aſcriptions of divine qualities and titles to him; and to compleat the image, the riches of the nation are laviſhed in the magnificence, coſtly equipage and dazzling ſplendors of their prince; thereby to build power on ſhow; and like the *formido avium*, or ſcare crow, derive reſpect and obedience only from the paſſion of fear: A multitude of criminal laws, with ſevere penalties are neceſſary to ſupport the authority of the rulers, and ſecure the obedience of the ſubjects; whilſt the ſovereign himſelf, is wholly inſecure in the midſt of his ſubjects, without a life guard. This is inverting the order of nature and of civil government; and leaving the neceſſary means of rendering mankind wiſe, virtuous and good. Rulers ought to know, and be known to their ſubjects, to be but men; and the puniſhment of their

their crimes, to be in proportion to their elevation in power. Half the ſum, employed to diffuſe general knowledge; by erecting public ſeminaries, with maſters well furniſhed to teach children, not only common learning, but to inſtruct and impreſs on their young and tender minds, the principles of virtue and the rudiments of government, which would grow up with their growth, and derive ſtrength from age; would be more effectual than all the brilliancy of a crown, or tortures of a rack; this is the only permanent foundation of a free government; this is laying the foundation in a conſtitution, not without or over, but within the ſubjects; love and not fear will become the ſpring of their obedience: the ruler be diſtinguiſhed, only by his diſtinguiſhed virtues, and know no good, ſeparate from that of his ſubjects; and his authority be ſupported, more by the virtue of the people, than by the terror of his power. The only way to make men good ſubjects of a rational and free government, is to make them wiſe and virtuous; but ſuch a government as this is utterly incompatible with the idea of ſlavery, becauſe incompatible with a ſtate of ignorance.

Of INDEPENDANCE.

IT is with ſtates as it is with men, they have their infancy, their manhood and their decline: Nature hath its courſe in all, and never works in vain; when a people are ripe for any mighty change, means wont be wanting to effect it. From what providence hath done and is doing for us, we muſt learn, what is our duty to do; for we may only follow, where nature leads, and in this is infinite ſafety; from ſmall, we are become great, from a few, many, from feeble, powerful, from poor, rich; nature has ſtored our country with all neceſſaries for ſubſiſtence in peace, and for defence in war; it has united our hearts, our intereſts and our councils, in the common cauſe.

INDEPENDANCE conſiſts in being under obligation to acknowledge no ſuperior power on earth. The King by withdrawing

withdrawing his protection and levying war upon us, has diſcharged us of our allegiance, and of all obligations to obedience: For protection and ſubjection are mutual, and cannot ſubſiſt a part: He having violated the compact on his part, we of courſe are releaſed from ours; andon theſame principles,if we owed any obedience to parliament (which we did not) we are wholly diſcharged of it. We are compelled to provide, not only for our own ſubſiſtence, but for defence againſt a powerful enemy: Our affections are weaned from Great-Britain, by ſimilar means and almoſt as miraculouſly as the Iſraelites were from Egypt: Theſe are facts, a ſurpriſing concurrence of incidents, equally out of our knowledge to have foreſeen, or our power to have prevented, point us to ſome great event. Providence has furniſhed us with the means; the King, contrary to his deſign, hath diſcharged us of our allegiance and forced us from our dependance, and we are become neceſſarily independant, in order to preſervation and ſubſiſtence, and this without our act or choice. And is it a crime to be, what we cant help but be? It is not from a rebellious ſpirit in the Americans, but unavoidable neceſſity, that we are become ſo: Like a timorous child that is able to walk but diſinclined to attempt it, placed in the middle of a floor, muſt uſe his legs or fall; while the tender parent that placed him there,ſtands ready to ſave him, if likely to fall, *nam qui tranſtulit ſuſtinet*, He that tranſplanted, upholds and ſuſtains. All Europe,muſt gaze with wonder, approbation and applauſe; Great-Britain join in acquitting us; while the tyrant miniſter (Lord North) in his own boſom reads the ſentence of his condemnation, for condemning us: to be where nature and providence hath placed us, is to be right, and to do what ſuch a ſtate points out and requires to be done, is duty. In this ſituation two objects of the greateſt importance demand our attention, viz. defence and government; theſe we ought diligently to attend to and leave

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the event; and let thoſe who begun the war, be firſt in the propoſals of peace; thoſe who have refuſed to hear others, when they prayed, pray without being heard. And ſince parliament will have our trade, only on terms incompatible with our liberty, permit them to have neither; welcome all nations to our ports and to a participation of our trade, and enter into alliance with none; thus, we may enjoy the commerce of all, without being concerned in the quarrels of any. Providence has furniſhed us with reſources for defence; numbers to conſtitute armies, materials for conſtructing a navy, for making of powder, ball, cannon, mortars, arms, &c. and all kinds of ordnance and military ſtores. Our threatened ſituation demands, that we immediately take every precaution, and uſe all the means in our power for our preſervation & defence, and with noble and valiant exertions, withſtand and repel the attacks of tyranny. Nature hath placed the iſland of Great-Britain, and the continent of America ſo diſtant from each other, that it is impoſſible for them to be repreſented in one legiſlative body: The conſequence is, that their diſtant ſituations are incompatible with their being ſubjects to one ſupreme legiſlature. Repreſentation is the feet on which a free government ſtands, it ought therefore to be equal and full; maim and render partial the former, and it will infallibly mutilate the latter. The meaſures of government neceſſary to be adopted, at preſent, are the ſame, either for a temporary or a perpetual expedient.

The colonies have ſo long ſubſiſted ſeparate and independant of each other, enjoyed their particular forms of government, laws, cuſtoms and manners and particular rules for the regulation and diſtribution of property; that it will, doubtleſs, be thought expedient for each to retain its antient form of government, laws, &c. as far as poſſible; to have ſupreme legiſlative and executive powers of government over all cauſes, matters and things within its territorial limits, and to regulate its own inter-

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nal police. Thoſe whoſe Governors, or other officers, are taken off by the crown, to have them elected by the freemen, or appointed by their ſeveral aſſemblies; for which purpoſe particular conſtitutions to be framed, as they ſhall elect. That a certain number of delegates be annually elected by the freemen in each colony, to form a general council or congreſs, whoſe power to extend over all matters of common and general concernment: Such as making war and peace, ſending and receiving ambaſſadors, general regulations reſpecting trade and maritime affairs; to decide all matters of controverſy between colony and colony, relative to bounds and limits, &c. &c. of whom one to be choſen preſident, and to continue in office until another be choſen and ſworn. And in matters ſo intereſting, as that of making war and peace, to be a majority of at leaſt two thirds, computed by colonies; and for carrying on a war to have power to levy troops and provide for their ſubſiſtence, &c. to have an explicit conſtitution, aſcertaining the number of members the congreſs ſhall conſiſt of, and that each colony ſhall ſend; containing regulations for convening, proroguing and adjourning; alſo granting, defining, and limiting the powers they are to have, exerciſe, &c. which conſtitution to be laid before the ſeveral aſſemblies, and by them acceded to and confirmed. By ſome ſuch method the colonies may retain their independance of each other; and all their former uſuages, laws, &c. and the wiſdom and ſtrength of each, be connected in general congreſs, for the ſecurity and defence of the whole.

To be reconciled to Great-Britain upon unjuſt terms, is to be reconciled to injuſtice, ruin and ſlavery; until they ſhall have condemned the meaſures that have been purſued againſt America, recalled their fleets and armies, expoſed to the public eye, and condign puniſhment, the authors and adviſers of the preſent unjuſt and cruel war; and have repaired the damage and expence cauſed thereby in America, and given up the claim of power in parliament, to dominion over us, they

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cannot expect that we will treat with them, about future connections. They have endeavoured, by all the arts of ſeduction, and of power, to deſtroy and enſlave us; and now they have ſent commiſſioners, under pretence of treating with the Americans. Accommodation is their oſtenſible, but we have reaſon to fear that to divide, corrupt and deſtroy is their real object: For with whom are they to treat? With the general Congreſs? No; it is ſaid, with the ſeveral governors; all of whom, except one or two, live, and breath, and have their being, in the miniſter, and are mov'd by him like the puppets in the ſhow, by the hand that pulls the wire, to which they are hung. They might as well have ſtayed at home, and treated with the miniſter. But it is ſaid they are to treat with the ſeveral colonies. But how is this? unleſs they acknowledge their independence of parliament? The ſupreme legiſlature of a country only, hath power to treat and be treated with reſpecting war and peace. The act, 6th Geo. III. declares that the parliament of Great-Britain hath ſupreme power of legiſlation over the colonies; and to eſtabliſh ſuch power, the parliament is in war with America: The Commiſſiners therefore, cannot, conſiſtent with their ideas of power, treat with any but the Britiſh parliament. By ſending Commiſſioners to treat with us, they would acknowledge our power to make a treaty; which is predicable only of independence. Query then, whether thoſe Commiſſioners are coming to treat for peace, with a mighty armament for war? In fine, that government, in which the people are ſubject to no laws, or taxes, but by their voice or conſent; condemned by no ſentence but by the verdict of their equals; where property is near equally diſtributed; crimes clearly defined and diſtinguiſhed, & puniſhments duly proportioned to their nature and magnitude; and where the riſing generation are univerſally inſtructed in the principles of virtue, and the rudiments of government; there civil liberty & general public felicity, will flouriſh in the greateſt perfection.

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